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ABSTRACT

This document records proceedings of the joint hearings on the Child and Family Services Act, 1975 (bills S.626 and H.R.2966). The bills would provide for child care, health, nutritional, educational, and other services for children and their families on a voluntary basis. Included are the texts of both bills, witnesses' testimony of February 20, 1975, statements presented, and additional information (questions and answers). (SB)

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CHILD AND FAMILY SERVICES ACT, 1975

ED127041

PS008791

JOINT HEARINGS

BEFORE THE

SUBCOMMITTEE ON CHILDREN AND YOUTH

AND THE

SUBCOMMITTEE ON EMPLOYMENT, POVERTY,
AND MIGRATORY LABOR

OF THE

COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE

AND THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

S. 626 and H.R. 2966

TO PROVIDE FOR SERVICES TO CHILDREN AND THEIR
FAMILIES, AND FOR OTHER PURPOSES

PART 1

FEBRUARY 20, 1975

Printed for the use of the Senate Committee on Labor and Public Welfare
and the House Committee on Education and Labor

U.S. GOVERNMENT PRINTING OFFICE
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CHILD AND FAMILY SERVICES ACT, 1975

THURSDAY, FEBRUARY 20, 1975

U.S. SENATE,
SUBCOMITTEE ON CHILDREN AND YOUTH
AND THE SUBCOMMITTEE ON EMPLOYMENT,
POVERTY, AND MIGRATORY LABOR OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE;
AND THE SUBCOMMITTEE ON SELECT EDUCATION,
OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittees met, pursuant to notice, at 9:35 a.m., in room 4232, New Senate Office Building, Senator Walter F. Mondale (chairman, Senate Subcommittee on Children and Youth), presiding.

Present: Senators Mondale and Stafford; Representatives Brademas, Bell, Hall, Chisholm, Miller, Lehman, Jeffords, Cornell, Zeferetti, and Pressler.

OPENING STATEMENT OF SENATOR MONDALE

Senator MONDALE. The committee will come to order.

Today the Senate Subcommittee on Children and Youth, which I am privileged to chair; and the House Select Subcommittee on Education, ably chaired by Representative John Brademas, begin joint hearings on S. 626 and H.R. 2966, the Child and Family Services Act of 1975.

These companion bills are designed to provide financial assistance to help States and localities upgrade and expand their services for families and children. These bills contain the fundamental principles from the child development legislation which passed the Congress in 1971, but was vetoed by former President Nixon.

As we begin these hearings, I believe it is useful to recall the history of this legislation. It all began over 5 years ago, in late 1969 and early 1970, when both Senate and House subcommittees started hearings on the original bills from which the legislation before us has developed.

In those 5 years we have held over 30 days of public hearings between us.

[The texts of S. 626 and H.R. 2966 follow:]

94TH CONGRESS
1ST SESSION

S. 626

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1975

Mr. MONDALE (for himself, Mr. JAVITS, Mr. ABOUREZK, Mr. CLARK, Mr. BROOKE, Mr. CASE, Mr. CHURCH, Mr. CRANSTON, Mr. CULVER, Mr. HATFIELD, Mr. HATHAWAY, Mr. GARY W. HART, Mr. PHILIP A. HART, Mr. HOLLINGS, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENSON, and Mr. WILLIAMS) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

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A BILL

To provide for services to children and their families, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child and Family Services Act of 1975".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the family is the primary and the most fundamental influence on children;

II–O

(2) child and family service programs must build upon and strengthen the role of the family and must be provided on a voluntary basis only to children whose parents or legal guardians request such services, with a view toward offering families the options they believe are most appropriate for their particular needs;

(3) although there have been increased services for children of working mothers and single parents and although Headstart and similar programs have provided supplemental educational and other services for children, such services have not been made available to families to the extent that parents consider necessary, there are many other children whose parents are working full or part time without adequate arrangements for their children, and there are many children whose families lack sufficient resources who do not receive adequate health, nutritional, educational and other services;

(4) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, private agencies and State and local government with appropriate supportive assistance from the Federal Government.

(b) It is the purpose of this Act to provide a variety of quality child and family services in order to assist parents who request such services, with priority to those preschool children and families with the greatest economic or human needs, in a manner designed to strengthen family life and to insure decisionmaking at the community level, with direct participation of the parents of the children served and other individuals and organizations in the community interested in child and family service (making the best possible use of public and private resources), through a partnership of parents, State and local government and the Federal Government, building upon the experience and success of Headstart and other existing programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to plan for the implementation of this Act, there is authorized to be appropriated $150,000,000 for the fiscal year ending June 30, 1976, and $200,000,000 for the fiscal year ending June 30, 1977, to be allocated as prescribed in section 103.

(b) There is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1977, and $1,000,000,000 for the fiscal year ending June 30, 1978, except that no funds are authorized to be appropriated for either fiscal year, unless funds appropriated to carry out the Project Headstart program described in section 222 (a) (1) of the Economic Opportunity Act of 1964 for such years, or for any successor program are at least equal to the greater of (1) the amount appropriated to carry out such program for the fiscal year ending June 30, 1975, or (2) the amount appropriated to carry out such program for the fiscal year ending June 30, 1976. Any such amounts appropriated for a fiscal year which are not obligated at the end of such fiscal year shall remain available for obligation until expended.

FORWARD FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which it shall be available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

TITLE I—CHILD AND FAMILY SERVICE PROGRAMS

OFFICE OF CHILD AND FAMILY SERVICES; SPECIAL COORDINATING COUNCIL

SEC. 101. (a) The Secretary shall take all necessary action to coordinate child and family service programs under his jurisdiction. To this end, he shall establish and maintain within the Office of the Secretary of the Department of Health, Education, and Welfare an Office of Child and Family Services administered by a Director appointed by the President with the advice and consent of the Senate, which office shall assume the responsibilities of the Office of Child Development and shall be the principal agency of the Department for the administration of this Act.

(b) A Child and Family Services Coordinating Council, consisting of the Director of the Office of Child and Family Services established under subsection (a) (who shall serve as chairperson), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet on a regular basis, as they may deem necessary, in order to assure coordination of child and family service activities under their respective jurisdictions so as to assure—

(1) maximum use of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this Act;

(3) the establishment and maintenance of procedures to insure that each office or agency of the Federal Government conducting child and family services and related activities is aware of the administrative actions of other offices or agencies with respect to the provision of financial assistance to eligible applicants; and

(4) recommendation of priorities for federally funded research and development activities related to the purposes of this Act.

FINANCIAL ASSISTANCE

SEC. 102. (a) The Secretary of Health, Education, and Welfare through the Office of Child and Family Services, shall provide financial assistance for carrying out child and family service programs for children and their families under this title to prime sponsors (including educational agencies) and to other public and private nonprofit agencies and organizations pursuant to applications and plans approved in accordance with the provisions of this title.

(b) Funds available for this title may be used (in accordance with approved applications and plans) for the following services and activities:

(1) planning and developing child and family service programs;

(2) establishing, maintaining, and operating child and family service programs, which may include—

(A) part-day or full-day child care programs, in the child's own home, in group homes, or in other child care facilities, which provide the educational, health, nutritional, and social services directed toward enabling children participating in the program to attain their maximum potential;

(B) other health, social, recreational, and educational programs designed to meet the special needs of children and families including before- and after-school and summer programs;

(C) family services, including in-home and in-school services, and education and consultation for parents, other family members functioning in the capacity of parents, youth, and prospective and expectant parents who request assistance in meeting the needs of their children;

(D) social services including information, consultation and referral to families that request such services to help them determine the appropriateness of child and family services and the possibility of alternative plans;

(E) (i) prenatal and other medical care, including services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and (ii) postpartum and other medical services to recent mothers;

(F) programs designed (i) to meet the special needs of ethnic groups, including minority groups, Indian, migrant children, and children from families with special language needs, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of ethnic groups including minority groups which belong to their communities and the role of members of such groups in the history and cultural development of the nation and the region in which they reside;

(G) food and nutritional services;

(H) diagnosis, identification, and treatment of visual, hearing, speech, medical, dental, nutritional, and other physical, mental, psychological and emotional barriers to full participation in child and family service programs;

(I) special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities as an incorporated part of programs conducted under this title;

(J) programs designed to extend child and family service gains (paricularly parent participation) into kindergarten and early primary grades, in cooperation with local educational agencies;

(K) other such services and activities as the Secretary deems appropriate in furtherance of the purposes of the Act;

(3) rental, lease or lease-purchase, mortgage amortization payments, remodeling, renovation, alteration, acquisition and maintenance of necessary equipment and supplies, and to the extent authorized in section 109, construction or acquisition of facilities, including mobile facilities;

(4) preservice and inservice education and train-

ing for professional and paraprofessional personnel, including parents and volunteers, especially education and training for career development and advancement;

(5) staff and other administrative expenses of child and family service councils established and operated in accordance with section 105, and of parent policy committees established and operated in accordance with section 107; and

(6) dissemination of information in the functional language of those to be served to assure that parents are well informed of child and family service programs available to them and may participate in such programs.

(c) Assistance under this title shall be made only for a program which

(1) provides for establishing and maintaining a parent policy committee to be composed of parents of children served by such program, which shall directly participate in the development and operation of such program (as described in section 107),

(2) provides for the regular and frequent dissemination of information to assure that parents of children served by such program are fully informed of program activities, and

(3) provides for regular consultation with the parents of each child regarding their child or children's

development, with ample opportunity for such parents to observe and participate in their children's activities.

SEC. 103. (a) (1) From the amounts available for planning and carrying out child and family service programs under this title the Secretary shall reserve the following:

(A) not less than 10 per centum of the total amount available for carrying out this title, which shall be made available for the purposes of section 102 (b) (2) (I) of this title (relating to special activities for handicapped children.).

(B) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis;

(C) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children in Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children in Indian tribal organizations on an equitable basis;

(D) not more than 5 per centum of the total amount available for carrying out this title, which shall be made available under section 104 (e) (2) of this title (relating to model programs);

(E) not less than 5 per centum of the total amount available for carrying out this title, for the purposes of section 203 of this Act (relating to monitoring and enforcement of standards).

(2) The Secretary shall allocate the remainder of the amounts available for this title, among the States and within the States among local areas, so as to provide, to the extent practicable, for the geographical distribution of such remainder in such a manner that—

(A) 50 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of economically disadvantaged children in each State and local area, respectively;

(B) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children through age five in each State and local area, respectively; and

(C) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children of working mothers and single parents in each State and local area, respectively.

For the purposes of clauses (A), (B), and (C) of this paragraph, there shall be excluded those children who are counted under clauses (B) and (C) of subsection (a) (1) of this section.

(b) Not more than 5 per centum of the total funds apportioned for use within a State pursuant to subsection (a) (2) may be made available for grants to the State to carry out the provisions of section 108 of this title.

(c) Any portion of any apportionment under subsection (a) for a fiscal year which the Secretary determines after notice to the States and local areas involved will not be required, for the period for which such apportionment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, to other States or local areas on an equitable basis, taking into account the original apportionments to the States and local areas. Any amount reapportioned to a State or local area under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

(d) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

(e) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the allocations and apportionments required by this section.

STATE AND LOCAL PRIME SPONSORS

SEC. 104. (a) In accordance with the provisions of this section, a State, locality, or combination of localities meeting the requirements of this part may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out programs under this title, upon the approval by the Secretary of an application for prime sponsorship which—

(1) describes the prime sponsorship area to be served;

(2) demonstrates the applicant's capability of administering a child and family service program meeting the requirements of this title, including the coordination of delivery of services within the prime sponsorship area of other public agencies operating programs relating to child care necessary for efficient delivery of services under this Act;

(3) provides assurances satisfactory to the Secretary that the non-Federal share requirements of the Act will be met;

(4) sets forth satisfactory provisions for establishing and maintaining a Child and Family Service Council which meets the requirements of section 105.

(5) provides that the prime sponsor shall be responsible for developing and preparing for each fiscal year a plan in accordance with section 106 and any modification thereof and for selecting or establishing an agency or agencies to administer and coordinate child and family service programs in the prime sponsorship area;

(6) sets forth arrangements under which the Child and Family Service Council will be responsible for approving child and family service plans, basic goals, policies, procedures, overall budget policies and project funding, and the selection or establishment and annual renewal of any agency or agencies under paragraph (5) of this subsection and will be responsible for annual and ongoing evaluation of child and family service programs conducted in the prime sponsorship area according to criteria established by the Secretary;

(7) provides assurances that staff and other administrative expenses for the Child and Family Service Councils and Local Program Councils and Project

Policy Committees will not exceed 5 per centum of the total cost of child and family service programs administered by the prime sponsors unless such per centum limitation is increased to give special consideration to initial cost in the first operational year, in accordance with regulations which the Secretary shall prescribe;

(b) The Secretary shall approve a prime sponsorship application submitted by a locality which is a (1) city, (2) county, or (3) other unit of general local government, or by a combination of such localities, if he determines that the application so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive and effective child and family service programs in the area of such locality. In the event that the area under the jurisdiction of a unit of general local government described in clause (1), (2), or (3) of the preceding sentence includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this part with respect to such area and which has submitted an application which meets the requirements of this section and includes adequate provisions for carrying out comprehensive child care and family service programs in such area.

(c) The Secretary shall approve a prime sponsorship plan submitted by a State, except for areas with respect to which local prime sponsors are or will be otherwise designated pursuant to this section, if he determines that the plan so submitted meets the requirements of this section and sets forth adequate arrangements for serving all geographical areas under its jurisdiction, and that the plan:

(1) meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out child and family services programs in each such area;

(2) divides those areas within the State for which no prime sponsor has been designated under subsection (b) of this section into local service areas, with due consideration in making such decisions being given to compactness, contiguity, and community of interest;

(3) provides:

(A) for establishing and maintaining with respect to each local service area a local program council composed so that (i) not less than half of the members who shall be chosen initially by parents who are recipients of federally assisted day care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees where they exist, and at the earliest practicable time by the parent members of parent policy committees, and (ii) the remainder shall be public members broadly representative of the general public, appointed by the chief executive officers or the governing bodies, as appropriate, of the units of general local government within the local program area;

(B) that the comprehensive child care and family service plan to be submitted by the State which affects each such area is developed and prepared with the full participation and approval of the appropriate local program council; and

(C) that contracts for the operation of programs through public or private nonprofit agencies or organizations shall be entered into only if previously approved by the local program council for the appropriate local service area; and

(4) contains assurances that any local program council may appeal directly to the Secretary whenever such council alleges that with respect to its portion of the child and family service plan the State has failed to

comply with the provisions of such plan or the provisions of the Act.

(d) In addition to prime sponsors designated under subsections (a), (b), and (c) of this section, the Secretary may fund directly:

(1) an Indian tribe on a Federal or State reservation if he determines that such Indian tribe has the capacity to carry out child and family service programs in the area to be served;

(2) a public or private nonprofit agency, including but not limited to an educational agency or institution, a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, employer organization, labor union, or employee or labor-management organization, which submits a proposal:

(A) to provide child care and family services in an area possessing a commonality of interest where no prime sponsor has been designated, or where the prime sponsor is found not to be satisfactorily implementing child and family service programs;

(B) to provide child and family service programs on a year-round basis to children of migrant agricultural workers and their families; or

(C) to carry out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, or bilingual children and their families.

(e) When any prime sponsor is maintaining a pattern or practice of discrimination against minority group children or economically disadvantaged children, the Secretary shall designate for prime sponsorship an alternative unit of government of public or private agency or organization in the area which will equitably serve minority group children and economically disadvantaged children.

(f) The Governor shall be given not less than thirty nor more than sixty days to review applications for prime sponsorship designation submitted by any applicant within the State other than the State, to offer recommendations to the applicant, and to submit comments to the Secretary.

(g) A prime sponsorship application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such application, including a statement of the reasons therefor, (2) a reasonable time in which to submit corrective amendments to such application or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(h) (1) If any party is dissatisfied with the Secretary's final action under subsection (h) with respect to the disapproval of its application submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

CHILD AND FAMILY SERVICE COUNCILS

SEC. 105. (a) Each prime sponsor designated under section 104 shall establish and maintain a Child and Family

Service Council composed of not less than ten members as follows—

(1) not less than half the members of such Council shall be parents of children served in programs under this Act chosen in accordance with the provisions of paragraph (1) of subsection (b) of this section;

(2) the remaining members shall be appointed by the prime sponsor, in consultation with the parent members described in paragraph (1) to be broadly representative of the general public, including representatives of private agencies and organizations concerned with or operating programs relating to child and family services and at least one person who is particularly skilled by virtue of training or experience in child and family services;

(3) at least one-third of the total membership of the Child and Family Service Council shall be persons who are economically disadvantaged. Each Council shall select its own chairperson; and

(4) in establishing a Child Development and Family Service Council under this section, the prime sponsor shall give due consideration to the membership of child care and day care coordinating bodies then existing in the area to be served.

(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 104 shall provide, with respect to the Child and Family Service Councils established and maintained by such prime sponsor, that—

(1) the parent members described in paragraph (1) of subsection (a) of this section shall be democratically selected by parents as follows:

(A) in the case of Councils established by prime sponsors which are States, by the parent members of local program councils established under section 104 (c) (3) ; and

(B) in the case of Councils established by prime sponsors other than States (and by States with respect to local program councils), initially by parents who are recipients of federally assisted child care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees and, at the earliest practicable time, by the parent members of parent policy committees established under section 107 (b) (2) ;

(2) the terms of office and any other policies and procedures of an organizational nature, including nomination and election procedures, are appropriate in accordance with the purposes of this Act;

(3) such Council shall be responsible for approving child and family service plans, basic goals, policies, procedures, overall budget policies and project funding, and the selection or establishment and annual renewal of an administering agency or agencies and will be responsible for annual and ongoing evaluation of child and family service programs according to criteria established by the Secretary; and

(4) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants under this part.

CHILD AND FAMILY SERVICE PLANS

SEC. 106. (a) Financial assistance under this title may be provided by the Secretary for fiscal year 1976 and any subsequent fiscal year to a prime sponsor designated pursuant to section 104 only pursuant to a child and family service plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title.

(b) Any such plan shall set forth a program for providing child and family service in the prime sponsorship area which—

(1) provides that programs or services under this

title shall be provided only for children whose parents request them;

(2) identifies child and family service needs and goals within the area and describes the purposes for which the financial assistance will be used, giving equitable consideration to the needs of children from each minority group and significant segment of the economically disadvantaged residing within the prime sponsorship area;

(3) meets the needs of children and families in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, with priority for services to children who have not attained six years of age;

(4) provides that programs receiving funds under section 3 (b) will give priority to providing services for economically disadvantaged children by reserving not less than 65 per centum of such funds for the purpose of serving economically disadvantaged children;

(5) gives priority thereafter to providing services to children of working mothers and single parents not covered under paragraph (4);

(6) provides that, to the extent feasible, each program within the prime sponsorship area shall include children from a range of socioeconomic backgrounds;

(7) (A) provides that no charge will be made with respect to any child who is economically disadvantaged, except to the extent that payment will be made by a third party; and

(B) provides, pursuant to criteria established in regulations promulgated by the Secretary as required by section 205, an appropriate and flexible fee schedule for children who are not economically disadvantaged, designed to permit enrollment or continued participation in the program as family income increases and based upon the size of the family, and its ability to pay, which shall provide for appropriately reduced charges for less than full day care, and shall provide that payment may be made in whole or in part by a third party in behalf of a family, with provision for waivers in cases of need.

(8) provides comprehensive services—

(A) to meet the special needs of minority group children and children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for the development of skills in English and in the other language spoken in the home, and

(B) to meet the needs of all children to understand the history and cultural background of minority groups within the prime sponsorship area;

(9) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

(10) provides that, insofar as possible, unemployed or low-income persons residing in communities being served by such projects will be employed therein, including in-home and part-time employment and opportunities for training and career development, provided that no person will be denied employment in any program solely on the grounds that such person fails to meet State or local teacher certification standards;

(11) includes a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(12) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and other interested persons in the community are fully informed of the activities of the prime sponsor, Child and Family Service Council, project applicants, and parent policy committees;

(13) sets forth provisions describing any arrangements for the delegation, under the supervision of the Child and Family Service Council, to public or private agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for

which financial assistance is provided under this Act or for planning or evaluation services to be made available with respect to programs under this Act;

(14) provides procedures for the approval of project applications submitted in accordance with section 107, including procedures for priority consideration of applications submitted by public and private nonprofit agencies and organizations with ongoing child development programs;

(15) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(16) provides for coordination of other child care and related programs (including those relating to manpower training and employment) within the prime sponsorship area with the programs assisted under this Act, including procedures and mechanisms to provide continuity between programs for preschool and elementary school children;

(17) provides for such monitoring and evaluation procedures including licensing, inspection, and enforcement activities as may be necessary to assure that programs in the prime sponsorship area funded under this Act meet the applicable Federal standards as prescribed in section 201 of this Act;

(18) provides, to the extent practicable, for the use of financial assistance and services available from State and local government, Federal sources other than those provided in this Act, and private charitable sources with respect to activities and services under the plan; and

(19) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor.

(c) No child and family service plan or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

(1) the educational agency for the area to be served and other appropriate educational and training agencies and institutions have had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) each community action agency or single-purpose Headstart agency in the area to be served responsible for the administration of programs under this part or under section 222 (a) (1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(3) in the case of a plan submitted by a prime sponsor other than the State, the Governor of that State or the State Child and Family Service Council has had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A comprehensive child and family service plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor,

(2) a reasonable time to submit corrective amendments to such plan or undertake other necessary corrective action, and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 107. (a) Funds may be provided by the prime sponsor for carrying out any program under such prime sponsor's comprehensive child and family service plan only to a qualified public or private agency or organization, including but not limited to an educational agency or institution, a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, organization interested in child care, employer or business organization, labor union, or employee or labor management organization.

(b) Financial assistance under this title may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted to the Child and Family Service Council by a public or private agency and which—

(1) describes the project, identifies the children and families it is designed to serve, and provides for the necessary such comprehensive services.

(2) provides for establishing and maintaining a parent policy committee composed of not less than ten members as follows—

(A) not less than half of the members of each such committee shall be parents of children served by such project, democratically selected by parents of children served by the project, and

(B) the remaining members of each such committee shall consist of (i) persons who are representative of the community and who are approved by the parent members, and (ii) at least one person who is particularly skilled by virtue of training or experience in child care, child health, child welfare, or other child care services, except that the Secretary may waive the requirement of this clause where he determines, in accordance with regulations that such persons are not available to the area to be served;

(3) provides for direct participation of such parent policy committee in the development and preparation of project applications under this title;

(4) assures that the parent policy committee shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, and for planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects, including approval of the project

director and any project applications and modifications thereof;

(5) makes adequate provision for training and other administrative expenses of such parent policy committee (including necessary expenses to enable low-income members to participate in committee meetings);

(6) assures that services shall be provided without charge to any child who is economically disadvantaged except to the extent that payment wil be made by a third party, and that charges will be made to any child who is not economically disadvantaged according to the fee schedule established pursuant to section 106 (b) (7) (B);

(7) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(8) provides opportunities for the direct participation of parents, older siblings, and other family members in the daily activities of the programs in which their children are enrolled;

(9) assures, to the extent practicable, employment of paraprofessional aides and use of volunteers, especially parents, older children, students, older persons, and

persons preparing for careers in child development and family service programs;

(10) assures that children will in no case be excluded from the programs operated pursuant to this title because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(11) provides for such fiscal control and fund accounting procedures as the prime sponsor shall prescribe to assure proper disbursement of and accounting for Federal funds.

(c) A project application may be approved by a prime sponsor upon its determination that such application meets the requirements of this section and that the programs provided for therein will otherwise further the objectives and satisfy the appropriate provisions of the prime sponsor's comprehensive child and family service plan as approved pursuant to section 106.

(d) A project application from a public or private agency seeking funds under section 104(d) shall be submitted directly to the Secretary, and may be approved by the Secretary upon his determination that it meets the requirements of subsection (b) of this section.

(e) A prime sponsor may disapprove a project application only if it provides to the project applicant a written statement of the reasons therefor. Such project applicant may submit an appeal to the Secretary requesting the direct approval of such application or modification thereof. Any such appeal shall include such comments, including the project applicant's response to the prime sponsor's statement of reasons for disapproval, as the project applicant may deem appropriate or as the Secretary may require.

SPECIAL GRANTS TO STATES

SEC. 108. (a) Upon application submitted by any State, the Secretary is authorized to provide financial assistance for use by such State for carrying out activities for the purposes of—

(1) establishing a child and family services information program, in order to improve their quality and availability and improve the accessibility of such services to parents who need them;

(2) identifying child and family service goals and needs within the State;

(3) coordinating all State child and family services, and encouraging the cooperation and participation of State agencies in providing such services, including health, family planning, mental health, education, nutrition, and family, social and rehabilitative services where requested by appropriate prime sponsors in the develop-

ment and implementation of comprehensive child and family service plans;

(4) encouraging the full use of resources and facilities for child and family service programs within the State;

(5) developing, enforcing, and assessing State codes for licensing child and family service facilities within the State;

(6) assisting public and private agencies and organizations in the acquisition or improvement of facilities for child and family service programs;

(7) assisting in the establishment of Child and Family Service Councils and strengthening the capability of such Councils to effectively plan, supervise, coordinate, monitor, and evaluate child and family service programs;

(8) developing information useful in reviewing prime sponsorship applications under section 104 and of comprehensive child and family service plans under section 106.

(b) In order to receive funds under this section, a State shall establish a Child and Family Service Council as prescribed in section 104(a).

(c) Funds received by the State under this section shall be in addition to any funds such State may receive under this title pursuant to an approved prime sponsorship application and comprehensive child and family service plan.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

SEC. 109. (a) Applications for financial assistance for projects including construction or acquisition may be approved only if the prime sponsor, or the Secretary in cases of applications submitted for his approval, determines that construction or acquisition of such facilities is essential to the provision of adequate child care services, and that rental, lease, or lease-purchase, remodeling, or renovation of adequate facilities is not practicable.

(b) If any facility assisted under this title shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rate shall not be less than 3 per centum per annum and the period within which such loan is to be repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction, remodeling, renovation, alteration, or acquisition of facilities, may be in the form of grants or loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this title. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this title shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction. Financial assistance for construction or acquisition of facilities pursuant to this Act shall be available only to public and private non-profit agencies, institutions, and organizations.

USE OF PUBLIC FACILITIES FOR CHILD AND FAMILY SERVICE PROGRAMS

SEC. 110. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within eighteen months after enactment of this Act report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private agencies and organizations, through appropriate arrangements, for use as facilities for child and family service programs under this title during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

(b) The Secretary may require, as a condition to the receipt of assistance under this title, that any prime sponsor under this title agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child and family service programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

PAYMENTS

SEC. 111. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 103 the Federal share of the costs of programs, services, and activities, in accordance with plans or applications which have been approved as provided in this title. In making such payment to any prime sponsor, the Secretary shall include in such costs an amount for staff and other administrative expenses for the Child and Family Service Councils and for parent policy committees, consistent with limitations contained in this title.

(b) The Secretary shall pay from funds appropriated under section 3(a) for fiscal year 1976 an amount equal to 100 per centum of the cost of planning, training, and technical assistance.

(1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay from funds appropriated under section 3(b) for fiscal year 1977 an amount not in excess of 90 per centum and from funds

appropriated under section 3 (b) for fiscal year 1978 and subsequent years an amount not to exceed 80 per centum of the cost of carrying out programs, services, and activities under this title. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child and family service needs of economically disadvantaged children.

(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child and family service programs for children of migrant agricultural workers under this title.

(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child and family service programs for children in Indian tribal organizations under this title.

(c) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union or employer contributions. Fees collected for services shall not be used for the non-Federal share, but shall be used by the prime sponsor to improve and expand programs under the comprehensive child development and family service plan.

(d) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions or any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements, for such contributions for the subsequent fiscal year under this title.

(e) No State or unit of general local government shall reduce its expenditures for child development or child care programs by reason of assistance under this title.

TITLE II—STANDARDS, ENFORCEMENT, AND EVALUATION

FEDERAL STANDARDS FOR CHILD CARE

SEC. 201. (a) (1) Within six months after the enactment of this Act, the Secretary may, after consultation with other Federal agencies and with the approval of the committee established pursuant to subsection (d) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child care services under this or any other Federal Act, to be known as the Federal Standards for Child Care. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor.

(2) Such standards shall replace but shall be consistent

with the Federal Interagency Day Care Requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. The 1968 requirements will continue to apply to all applicable programs until program standards authorized by subsection (a) are in effect.

(3) Not less than sixty days prior to implementation of program standards pursuant to subsection (a) of this section, the Secretary shall submit such proposed program standards to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Upon majority vote of either Committee within such sixty days disapproving such proposed program standards, such standards shall not take effect.

(b) The Secretary shall establish policies and procedures, in accordance with regulations which he shall prescribe, to assure that all programs and projects assisted under this Act address, on a continuing basis, the individual needs of and the appropriateness of child and family service for very young children served—

(1) any program or project providing care outside the home for very young children shall be reviewed and evaluated periodically and frequently by the Secretary,

to insure that it meets the highest standards of quality; and the Secretary may reserve such funds as he deems necessary from funds available under this Act for the purpose of evaluation, by appropriate persons, of programs under this Act in order to insure compliance with subsections (a) and (b) of this section.

(2) no program or project described in clause (1) of this subsection shall be approved for assistance under this Act unless it is specifically authorized and approved by the Secretary.

(c) (1) Upon determination that a prime sponsor or project is in violation of one or more of the provisions of this section, the Secretary shall give immediate public notice of such determination to such prime sponsor or project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 204.

(2) Upon determination that a project is in violation of one or more of the provisions of this section, the prime sponsor shall give immediate notice of such determination to such project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 204.

(d) The Secretary shall, within sixty days after enactment of this Act, appoint a Special Committee on Federal

Standards for Child Care, which shall include parents of children enrolled in Headstart and child care programs, representatives of public and private agencies and organizations administering such programs, specialists, and other public and private providers of child and family services, individuals engaged in licensing activities, and others interested in services for children. Not less than one-half of the membership of the committee shall consist of parents of children participating in programs conducted under title I of this Act and section 222(a) of the Economic Opportunity Act of 1964 and title IV-A of the Social Security Act, or other public programs providing child and family services. Such committee shall participate in the development of Federal Standards for Child Care and modifications thereof as provided in subsection (a).

(c) In no event shall any prime sponsor or program or project receiving assistance under this Act reduce the quality of services provided under this Act below the standards established in this section.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 202. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child and family services facilities. Such standards shall deal principally with these matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for child care developed under section 201.

(b) The special committee appointed under this section shall include parents of children enrolled in comprehensive child services programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering comprehensive child services programs, and national agencies or organizations interested in services for children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222 (a) (1) of the Economic Opportunity Act of 1964, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance under this Act or in which programs receiving such Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

PROGRAM MONITORING AND ENFORCEMENT

SEC. 203. The Secretary shall provide, through the Office of Child and Family Services, for regular and periodic monitoring and programs under this Act to assure compliance with the child care standards and other requirements of this Act, and shall provide for the establishment and maintenance of sufficient trained staff in such office to accomplish the purpose of this section.

WITHHOLDING OF GRANTS

SEC. 204. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any prime sponsor, or project applicant, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of any such prime sponsor approved under section 106; or

(2) that there has been a failure to comply with applicable standards pursuant to section 201; or

(3) that there has been a failure to comply substantially with any requirement set forth in the application

of any such project applicant approved pursuant to section 107; or

(4) that in the operation of any plan, program, or project carried out by any such prime sponsor, or project applicant or other recipient of financial assistance under this Act there is a failure to comply substantially with any applicable provision of this Act or regulation promulgated thereunder;

the Secretary shall notify such prime sponsor, project applicant, or other recipient of his findings and that no further payments may be made to such sponsor, project applicant, or other recipient under this Act (or in the Secretary's discretion that any such prime sponsor shall not make further payments under this Act to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this Act which is being carried out pursuant to such plan or application and which is not involved in any noncompliance.

CRITERIA WITH RESPECT TO FEE SCHEDULES

SEC. 205. (a) Not later than one hundred and eighty days after the enactment of this Act, the Secretary shall by regulation establish criteria for the adoption of fee schedules by prime sponsors as provided in section 106(b) (7) (B) of this Act. Such criteria shall be designed to permit enrollment or continued participation in the program as family income increases, shall be based on family size, and ability to pay, and shall provide for appropriately reduced charges for less than full-day care, and shall be appropriately adjusted for regional and urban-rural differences in the cost of living or determined by the Bureau of Labor Statistics.

(b) Not less than sixty days prior to implementation of the criteria established by the Secretary pursuant to section 106(b) (7) (B), the Secretary shall submit such proposed criteria to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Upon a majority vote of either committee disapproving such proposed criteria, such criteria shall not take effect and the Secretary shall within sixty days promulgate revised criteria. Such revised criteria, and any revision to criteria established pursuant to this section shall be subject to the requirements of this section.

EVALUATION

SEC. 206. (a) The Secretary shall make an evaluation of Federal involvement in child and family services, which shall include—

(1) enumeration and description of all Federal activities which affect child and family service programs;

(2) analysis of expenditures of Federal funds for such activities and services;

(3) determination of the effectiveness of such activities and services;

(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this Act; and

(5) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of the evaluation required by subsection (a) of this section shall be reported to Congress not later than two years after enactment of this Act.

(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child and family services programs, and shall report the results of each such evaluation to Congress.

(d) Prime sponsors and project applicants assisted under this Act and departments and agencies of the Federal Government shall, upon request by the Secretary or the Comptroller General of the United States make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section, or the Comptroller General determines is necessary for an independent evaluation.

(e) The Secretary may enter into contracts with public or private nonprofit agencies, organizations, or individuals to carry out the provisions of this section.

(f) The Secretary shall reserve for the purposes of this section not less than 1 per centum, but not more than 2 per centum, of the amounts available under section 3 (b) of this Act for any fiscal year.

TITLE III—RESEARCH AND DEMONSTRATIONS

SEC. 301. (a) The Secretary is authorized to carry out a program of research and demonstration projects, which shall include but not be limited to—

(1) research to develop techniques to measure and evaluate child and family services, and to develop standards to evaluate professional and paraprofessional child and family service personnel;

(2) research to test preschool programs emphasizing reading and reading readiness;

(3) preventive medicine and techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases and learning disabilities of preschool children;

(4) research to test alternative methods of providing child and family service;

(5) evaluation of research findings and the develop-

ment of these findings and the effective application thereof;

(6) dissemination and application of research and development efforts and demonstration projects to child and family service and related programs and early childhood education, using regional demonstration centers and advisory services where feasible;

(7) production of informational systems and other resources necessary to support the activities authorized by this Act; and

(8) a study of the need on a nationwide basis for child and family services programs and of the resources, including personnel, which are available to meet this need.

(b) In order to carry out the program provided for in this section, the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or nonprofit private agencies (including other Government agencies), organizations, institutions, and individuals.

(c) (1) The Secretary shall coordinate, through the Office of Child and Family Services established under section 101 (a), all child and family services research, training, and development efforts conducted within the Department of

Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

(2) Funds available to any Federal department or agency for the purposes of this title shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary through the Office of Child and Family Services established under section 101 (a), for the purposes for which the transfer was made.

(d) The Secretary shall conduct special demonstration, and model programs, which demonstration, and model programs shall be subject to the fullest extent practicable to each of the requirements with respect to project applications under section 107.

(e) The Secretary shall report to Congress not later than September 1, 1976, summarizing his activities and accomplishments under this section during the preceding fiscal year and the grants, contracts, or other arrangements entered into and making such recommendations (including recommendations for legislation) as he may deem appropriate.

TITLE IV—TRAINING OF PERSONNEL FOR CHILD AND FAMILY SERVICES

PRESERVICE AND INSERVICE TRAINING

SEC. 401. The Secertary is authorized to make payments to provide financial assistance to enable individuals employed or preparing for employment in child and family services programs assisted under this Act, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child and family services program, or any institution of higher education, including a community college, or by any combination thereof.

TECHNICAL ASSISTANCE AND PLANNING

SEC. 402. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis, to assist them in planning, developing, and carrying out child and family services programs.

TITLE V—GENERAL PROVISIONS

DEFINITIONS

SEC. 501. As used in this Act, the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare;

(2) "State" means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "child and family service programs" means programs on a full-day or part-day basis which provide or arrange for the provision of the educational, nutritional, health, and other services needed to provide the opportunity for children to attain their full potential, including services to other family members;

(4) "children" means individuals who have not attained the age of fifteen;

(5) "economically disadvantaged children" means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics at the Department of Labor;

(6) "handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(7) "program" includes any program, service, or

activity, which is conducted full- or part-time in the home, in schools, or in child facilities;

(8) "parent" means any person who has primary day-to-day responsibility for any child;

(9) "single parent" means any person who has sole day-to-day responsibility for any child;

(10) "working mother" means any mother who needs child or family service in order to undertake or continue full- or part-time employment, training, or education outside the home;

(11) "minority group" includes, but is not limited to, persons who are Negro, American Indian, Spanish-surnamed American, Portugese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, may need special assistance, and, for the purpose of this paragraph, "Spanish-surnamed Americans" includes, but is not limited to, persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

(12) "bilingual" includes, but is not limited to persons who are Spanish-surnamed Americans, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority

group of which they are members and who, as a result of language barriers, may need special assistance;

(13) "local educational agency" means any such agency as defined in section 801 (f) of the Elementary and Secondary Education Act of 1965;

(14) "unit of general local government" means any political subdivision of a State having general governmental powers.

NUTRITION SERVICES

SEC. 502. In accordance with the purposes of this title, the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child and family services programs under this Act. Such services shall make use of the special food service program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts.

SPECIAL PROVISIONS

SEC. 503. (a) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program, program participant, or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

(c) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations and make such payments in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 204, the Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act on any term or condition of assistance under this Act.

(d) The Secretary shall not provide financial assistance for any program, service, or activity under this Act unless he determines that persons employed thereunder, other than persons who serve without compensation, shall be paid wages which shall not be lower than whichever is the highest of—

(1) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 206), if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof;

(2) the State or local minimum wage for the most nearly comparable covered employment; or

(3) the prevailing rates of pay for persons employed in similar occupations by the same employer.

(e) The Secretary shall not provide financial assistance for any program under this Act unless he determines that no funds will be used for and no person will be employed under the program in the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

SPECIAL PROHIBITIONS AND PROTECTIONS

SEC. 504. (a) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, physical, or other development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

(b) The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act unless the parent or guardian of such child informed of such research or experimentation and is given an opportunity as a right to except such child therefrom.

(c) A child participating in a program assisted under this Act shall not undergo medical or psychological examination experimentation or research, immunization (except to the extent necessary to protect the public from epidemics of contagious diseases or in cases of medical emergencies where parental consent cannot be readily obtained), or treatment without the written permission of his parent or guardian based upon full understanding of the procedures and possible consequences.

PUBLIC INFORMATION

SEC. 505. Applications for designation as prime sponsors, comprehensive child development plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

REPEAL OR AMENDMENT OF EXISTING AUTHORITY AND COORDINATION

SEC. 506. (a) After consultation with the head of any agency of the Federal Government immediately responsible for providing Federal assistance for and family services, child care, and related programs, including title I of the Elementary and Secondary Education Act of 1965, section 222 (a) (2) of the Economic Opportunity Act of 1964, title VII of the Housing and Urban Development Act of 1966, title I of the Demonstration Cities and Metropolitan Development Act of 1966 and titles IV and VI of the Social Security Act, the Secretary of Health, Education, and Welfare shall establish regulations to assure the coordination of all such programs with the programs assisted under this Act.

(b) (1) Section 203 (j) (1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child care facilities".

(2) Section 203 (j) (3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child care facilities";

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child care facilities"; and

(C) by inserting after "public health purposes" and the second sentence, the following: ", or for the operation of child care facilities,"

ACCEPTANCE OF FUNDS

SEC. 507. In carrying out the purposes and provisions of this Act, the Secretary is authorized to accept and use funds appropriated to carry out other provisions of Federal law if such funds are used for the purposes for which they are specifically authorized and appropriated.

94TH CONGRESS
1ST SESSION

H. R. 2966

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1975

Mr. BRADEMAS (for himself, Ms. MINK, Mr. BELL, Ms. HECKLER of Massachusetts, Mr. PERKINS, Mr. MEEDS, Mr. PEYSER, Mr. LEHMAN, Mr. ESCH, Mr. BENITEZ, Mr. PRESSLER, Mr. CLAY, Mr. MILLER of California, Mr. HAWKINS, Mr. THOMPSON, Mr. DENT, Mr. DOMINICK V. DANIELS, and Mr. BEARD of Rhode Island) introduced the following bill; which was referred to the Committee on Education and Labor

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A BILL

To provide for services to children and their families, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child and Family Services Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the family is the primary and the most fundamental influence on children;

I—O

(2) child and family service programs must build upon and strengthen the role of the family and must be provided on a voluntary basis only to children whose parents or legal guardians request such services, with a view toward offering families the options they believe to be most appropriate for their particular needs;

(3) although there have been increased services for children of working mothers and single parents and although Headstart and similar programs have provided supplemental educational and other services for children, such services have not been made available to families to the extent that parents consider necessary; there are many parents who are working full or part time without adequate arrangements for their children, and there are many children whose families lack sufficient resources to obtain adequate health, nutritional, educational, and other services;

(4) it is essential that the planning and operation of programs be undertaken as a partnership of parents, community, private agencies and State and local government with appropriate supportive assistance from the Federal Government.

(b) It is the purpose of this Act to provide a variety of quality child and family services in order to assist parents who request such services, with priority to those pre-school children and families with the greatest need, in a manner designed to strengthen family life and to insure decision-making at the community level, with direct participation of the parents of the children served and other individuals and organizations in the community interested in child and family service (making the best possible use of public and private resources), through a partnership of parents, State and local government, and the Federal Government, building upon the experience and success of Headstart and other existing programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to plan for the implementation of this Act, there is authorized to be appropriated $150,000,000 for the fiscal year ending June 30, 1976, and $200,000,000 for the fiscal year ending September 30, 1977, to be allocated as prescribed in section 103.

(b) There is authorized to be appropriated $500,000,000 for the fiscal year ending September 30, 1977, and $1,000,000,000 for the fiscal year ending September 30, 1978, except that no funds are authorized to be appropriated for either fiscal year, unless funds appropriated to carry out part A of the Headstart-Follow Through Act for such year, or for any successor program are at least equal to the greater of (1) the amount appropriated to carry out such program for the fiscal year ending June 30, 1975, or (2) the amount appropriated to carry out such program for the fiscal year ending June 30, 1976. Any such amounts appropriated for a fiscal year which are not obligated at the end of such fiscal year shall remain available for obligation until expended.

FORWARD FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Acts for the fiscal year preceding the fiscal year for which it shall be available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

TITLE I—CHILD AND FAMILY SERVICE PROGRAMS

OFFICE OF CHILD AND FAMILY SERVICES; SPECIAL COORDINATING COUNCIL

SEC. 101. (a) The Secretary shall take all necessary action to coordinate child and family service programs under his jurisdiction. To this end, he shall establish and maintain within the Office of the Secretary of the Department of Health, Education, and Welfare an Office of Child and Family Services administered by a Director appointed by the President with the advice and consent of the Senate, which office shall assume the responsibility of the Office of Child Development and shall be the principal agency of the Department for the administration of this Act.

(b) A Child and Family Services Coordinating Council, consisting of the Director of the Office of Child and Family Services established under subsection (a) (who shall serve as chairperson), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, Community Services Administration, the Department of Labor, and other appropriate agencies, shall meet on a regular basis, as they may deem necessary, in order to assure coordination of child and family service activities under their respective jurisdictions so as to assure—

(1) maximum use of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this Act;

(3) the establishment and maintenance of procedures to insure that each office or agency of the Federal Government conducting child and family services and related activities is aware of the administrative actions of other offices or agencies with respect to the provision of financial assistance to eligible applicants; and

(4) recommendation of priorities for federally funded research and development activities related to the purposes of this Act.

USE OF FUNDS

SEC. 102. (a) The Secretary of Health, Education, and Welfare through the Office of Child and Family Services, shall provide financial assistance for carrying out child and family service programs for children and their families under this title to prime sponsors (including educational agencies) and to other public and private nonprofit agencies and organizations pursuant to applications and plans approved in accordance with the provisions of this title.

(b) Funds available for this title may be used (in accordance with approved applications and plans) for the following services and activities:

(1) planning and developing child and family service programs;

(2) establishing, maintaining, and operating child and family service programs, which may include—

(A) part-day or full-day child care programs, in the child's own home, in group homes, or in other child care facilities, which provide educational, health, nutritional, and social services directed toward enabling children participating in the program to attain their maximum potential;

(B) other health, social, recreational, and educational programs designed to meet the special needs of children and families including before- and after-school and summer programs; school services, and education, and consultation for parents, other family members functioning in the capacity of parents, youth, and prospective and expectant parents who request assistance in meeting the needs of their children;

(C) social services including information, consultation and referral, to families that request such services to help them determine the appropriateness of child and family services and the possibility of alternative plans;

(D) (i) prenatal and other medical care, including services to expectant mothers who cannot [illegible]d such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and (ii) post partum and other medical services to recent mothers;

(E) programs designed (i) to meet the special needs of ethnic groups, including minority groups, Indian, and migrant children, as well as children from families with special language needs, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of ethnic groups including minority groups which belong to their communities and the role of members of such groups in the history and cultural development of the Nation and the region in which they reside;

(F) food and nutritional services;

(G) diagnosis, identification, and treatment of visual, hearing, speech, medical, dental, nutritional, and other physical, mental, psychological, and emotional barriers to full participation in child and family service programs;

(H) special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities as an incorporated part of programs conducted under this title;

(I) programs designed to extend child and family service gains (particularly parent participation) into kindergarten and early primary grades, in cooperation with local educational agencies;

(J) other such services and activities as the Secretary deems appropriate in furtherance of the purposes of the Act;

(3) rental, lease or lease-purchase, mortgage amortization payments, remodeling, renovation, alteration, acquisition and maintenance of necessary equipment and supplies, and to the extent authorized in section 110, construction or acquisition of facilities, including mobile facilities;

(4) preservice and inservice education and training

for professional and paraprofessional personnel, including parents and volunteers, especially education and training for career development and advancement;

(5) staff and other administrative expenses of child and family service councils established and operated in accordance with section 105, and of project policy committees established and operated in accordance with section 107; and

(6) dissemination of information in the functional language of those to be served to assure that parents are well informed of child and family service programs available to them and may participate in such programs.

(c) Assistance under this title shall be made only for a program which—

(1) provides for establishing and maintaining a parent policy committee, to be composed of parents of children served by such program, which shall directly participate in the development and operation of such program (as described in section 107),

(2) provides for the regular and frequent dissemination of information to assure that parents of children served by such program are fully informed of program activities, and

(3) provides for regular consultation with the parents of each child regarding their child or children's de-

velopment, with ample opportunity for such parents to observe and participate in their child's activities.

(d) Except for the priority provided in section 107, the Secretary shall, in reviewing applications for grants or loans for programs under this title, consider the following factors—

(1) the need for a child and family services program, as demonstrated by supporting information and data;

(2) any prior planning which has been done in the area; and

(3) the ability of the applicant to best serve the needs of children in the area.

SEC. 103. (a) (1) From the amounts available for planning and carrying out child and family service programs under this title, the Secretary shall reserve the following:

(A) not less than 10 per centum of the total amount available for carrying out this title, which shall be made available for the purposes of section 102 (d) (2) (H) of this title (relating to special activities for handicapped children).

(B) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United

States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis;

(C) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children in Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children in Indian tribal organizations on an equitable basis;

(D) not more than 5 per centum of the total amount available for carrying out this title, which shall be made available under section 104 (e) (2) of this title (relating to model programs); and

(E) not less than 5 per centum of the total amount available for carrying out this title, for the purposes of section 203 of this Act.

(2) The Secretary shall allocate the remainder of the amounts available for this title (except for funds made available under section 3 (c) of this Act) among the States, and within the States among local areas, so as to provide, to the extent practicable, for the geographical distribution of such remainder in such a manner that—

(A) 50 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of economically disadvantaged children in each State and local area, respectively;

(B) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children through age five in each State and local area, respectively; and

(C) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children of working mothers and single parents in each State and local area, respectively.

For the purposes of clauses (A), (B), and (C) of this paragraph, there shall be excluded those children who are counted under clauses (B) and (C) of subsection (a) (1) of this section.

(b) Not more than 5 per centum of the total funds apportioned for use within a State pursuant to subsection (a) (2) may be made available for grants to the State to carry out the provisions of section 108 of this title.

(c) Any portion of any apportionment under subsection (a) for a fiscal year which the Secretary determines after notice to the States and local areas involved will not be required, for the period for which such apportionment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such periods as the Secretary shall fix, to other States or local areas on an equitable basis, taking into account the original apportionments to the States and local areas. Any amount reapportioned to a State or local area under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

(d) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

(e) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the allocations and apportionments required by this section.

STATE AND LOCAL PRIME SPONSORS

SEC. 104. (a) In accordance with the provisions of this section, a State, locality, or combination of localities meeting the requirements of this part may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out programs under this title, upon the approval by the Secretary of an application for prime sponsorship which—

(1) describes the prime sponsorship area to be served;

(2) demonstrates the applicant's capability of administering a child and family service program meeting the requirements of this title, including the coordination of delivery of services within the prime sponsorship area of other public agencies operating programs relating to child care necessary for efficient delivery of services under this Act;

(3) provides assurances satisfactory to the Secretary that the non-Federal share requirements of the Act will be met;

(4) sets forth satisfactory provisions for establishing and maintaining a Child and Family Service Council which meets the requirements of section 104;

(5) provides that the prime sponsor shall be responsible for developing and preparing for each fiscal year a plan in accordance with section 106 and any modification thereof and for selecting or establishing an agency or agencies to administer and coordinate child and family service programs in the prime sponsorship area;

(6) sets forth arrangements under which the Child and Family Service Council will be responsible for approving child and family service plans, basic goals, policies, procedures, overall budget policies and project

funding, and the selection or establishment and annual renewal of any agency or agencies under paragraph (5) of this section and will be responsible for annual and ongoing evaluation of child and family service programs conducted in the prime sponsorship area according to criteria established by the Secretary;

(7) provides assurances that staff and other administrative expenses for the Child and Family Service Policy Committees will not exceed 5 per centum of the total cost of child and family service programs administered by the prime sponsors unless such per centum limitation is increased to give special consideration to initial cost in the first operational year, in accordance with regulations which the Secretary shall prescribe;

(b) The Secretary shall approve a prime sponsorship application submitted by a locality which is a (1) city, (2) county, or (3) other unit of general local government, or by a combination of such localities, if he determines that the application so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive and effective child and family service programs in the area of such locality. In the event that the area under the jurisdiction of a unit of general local government described in clause (1), (2), or (3) of the preceding sentence includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this part with respect to such area and which has submitted an application which meets the requirements of this section and includes adequate provisions for carrying out comprehensive child care and family service programs in such area.

(c) The Secretary shall approve a prime sponsorship plan submitted by a State, except for areas in which local prime sponsors have been or will be otherwise designated pursuant to this section, if he determines that the State plan so submitted meets the requirements of this section and sets forth adequate arrangements for serving all geographical areas under its jurisdiction, and that the plan—

(1) meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out child and family services programs in each such area;

(2) divides those areas within the State for which no prime sponsor has been designated under subsection (c) of this section into local service areas, with due consideration in making such decisions being given to compactness, contiguity, and community of interest;

(3) provides—

(A) for establishing and maintaining with respect to each local service area a local program council composed so that (i) not less than half of the members who shall be chosen initially by parents who are recipients of federally assisted day care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees where they exist, and at the earliest practicable time by the parent members of project policy committees, and (ii) the remainder shall be public members broadly representative of the general public, appointed by the chief executive officers or the governing bodies, as appropriate, of the units of general local government within the local program area;

(B) that the comprehensive child care and family service plan to be submitted by the State which affects each such area is developed and prepared with the full participation and approval of the appropriate local program council; and

(C) that contracts for the operation of programs through public or private nonprofit agencies or organizations shall be entered into only if previously approved by the local program council for the appropriate local service area; and

(4) contains assurances that any local program council may appeal directly to the Secretary whenever such council alleges that with respect to its portion of the child and family service plan the State has failed to comply with the provisions of such plan or the provisions of the Act.

(e) In addition to prime sponsors designated under subsections (a), (b), and (c) of this section, the Secretary may fund directly:

(1) an Indian tribe on a Federal or State reservation if he determines that such Indian tribe has the capacity to carry out child and family service programs in the area to be served;

(2) a public or private nonprofit agency, including but not limited to an educational agency or institution, a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, employer organization, labor union, or employee or labor-management organization, which submits a proposal:

(i) to provide child and family services in an area possessing a commonality of interest where no prime sponsor has been designated, or where the prime sponsor is found not to be satisfactorily implementing child and family service programs;

(ii) to provide child and family service programs on a year-round basis to children of migrant agricultural workers and their families; or

(iii) to carry out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, or bilingual children and their families.

(f) When any prime sponsor is maintaining a pattern or practice of discrimination against minority group children or economically disadvantaged children, the Secretary shall designate for prime sponsorship an alternative unit of government of public or private agency or organization in the area which will equitably serve minority group children and economically disadvantaged children.

(g) The Governor shall be given not less than thirty nor more than sixty days to review applications for prime sponsorship designation submitted by any applicant within the State other than the State, to offer recommendations to the applicant, and to submit comments to the Secretary.

(h) A prime sponsorship application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such application, including a statement of the reasons therefor, (2) a reasonable time in which to submit corrective amendments to such application or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(i) (1) If any party is dissatisfied with the Secretary's final action under subsection (h) with respect to the disapproval of its application submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the

Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

CHILD AND FAMILY SERVICE COUNCILS

SEC. 105. (a) Each prime sponsor designated under section 104 shall establish and maintain a Child and Family Service Council composed of not less than ten members as follows—

(1) not less than half the members of such Council shall be parents of children served in programs under this Act chosen in accordance with the provisions of paragraph (1) of subsection (b) of this section;

(2) the remaining members shall be appointed by the prime sponsor, in consultation with the parent members described in paragraph (1) to be broadly representative of the general public, including representatives of private agencies and organizations concerned with or operating programs relating to child and family services and at least one person who is particularly skilled by virtue of training or experience in child and family services;

(3) at least one-third of the total membership of the Child and Family Service Council shall be persons who are economically disadvantaged. Each council shall select its own chairperson; and

(4) in establishing a Child Development and Family Service Council under this section, the prime sponsor shall give due consideration to the membership of child care and day care coordinating bodies then existing in the area to be served.

(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 104 shall provide, with respect to the Child and Family Service Councils established and maintained by such prime sponsor, that—

(1) the parent members described in paragraph (1) of subsection (a) of this section shall be democratically selected by parents as follows:

(A) in the case of councils established by prime sponsors which are States, by the parent members of local program councils established under section 104 (d) (3) ; and

(B) in the case of Councils established by prime sponsors other than States (and by States with respect to local program councils), initially by parents who are recipients of federally assisted child care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees and, at the earliest practicable time, by the parent members of project policy committees established under section 107 (b) (2);

(2) the terms of office and any other policies and procedures of an organizational nature, including nomination and election procedures, are appropriate in accordance with the purposes of this Act;

(3) such Council shall be responsible for approving child and family service plans, basic goal, policies, procedures, overall budget policies and project funding, and the selection or establishment and annual renewal of an administering agency or agencies and will be responsible for annual and ongoing evaluation of child and family service programs according to criteria established by the Secretary; and

(4) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants under this part.

CHILD AND FAMILY SERVICE PLANS

SEC. 106. (a) Financial assistance under this title may be provided by the Secretary for fiscal year 1975 and any subsequent fiscal year to a prime sponsor designated pursuant to section 104 only pursuant to a child and family service plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title.

(b) Any such plan shall set forth a program for providing child and family service in the prime sponsorship area which—

(1) provides that programs or services under this title shall be provided only for children whose parents request them;

(2) identifies child and family service needs and goals within the area and describes the purposes for which the financial assistance will be used, giving equitable consideration to the needs of children from each minority group and significant segment of the economically disadvantaged residing within the prime sponsorship area;

(3) meets the needs of children and families in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, with priority for services to children who have not attained six years of age;

(4) provides that programs receiving funds under section 3(b)) will give priority to providing services for economically disadvantaged children by reserving

not less than 65 per centum of such funds for the purpose of serving economically disadvantaged children;

(5) gives priority thereafter to providing services to children of working mothers and single parents not covered under paragraph (4);

(6) provides that, to the extent feasible, each program within the prime sponsorship area shall include children from a range of socioeconomic backgrounds;

(7) provides that no charge will be made with respect to any child who is economically disadvantaged, except to the extent that payment will be made by a third party;

(8) provides comprehensive services—

(A) to meet the special needs of minority group children and children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for the development of skills in English and in the other language spoken in the home, and

(B) to meet the needs of all children to understand the history and cultural background of minority groups within the prime sponsorship area;

(9) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

(10) provides that, insofar as possible, unemployed

or low-income persons residing in communities being served by such projects will be employed therein, including in-home and part-time employment and opportunities for training and career development, provided that no person will be denied employment in any program solely on the grounds that such person fails to meet State or local teacher certification standards;

(11) includes a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(12) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and other interested persons in the community are fully informed of the activities of the prime sponsor, Child and Family Service Council, project applicants, and project policy committees;

(13) sets forth provisions describing any arrangements for the delegation, under the supervision of the Child and Family Service Cou 1, to public or private agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this Act or for planning or evaluation services to be made available with respect to programs under this Act;

(14) provides procedures for the approval of project applications submitted in accordance with section 107, including procedures for priority consideration of applications submitted by public and private nonprofit agencies and organizations with ongoing child development programs;

(15) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(16) provides for coordination of other child care and related programs (including those relating to manpower training and employment) within the prime sponsorship area with the programs assisted under this Act, including procedures and mechanisms to provide continuity between programs for preschool and elementary school children;

(17) provides for such monitoring and evaluation procedures including licensing, inspection, and enforcement activities as may be necessary to assure that pro-

grams in the prime sponsorship area funded under this Act meet the applicable Federal standards as prescribed in section 201 of this Act; and

(18) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor; and

(19) provides, to the extent practicable, for the use of financial assistance and services available from State and local government, Federal sources other than those provided in this Act, and private charitable sources with respect to activities and services under the plan.

(c) No child and family service plan or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

(1) the educational agency for the area to be served and other appropriate educational and training agencies and institutions have had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) each community action agency or single-purpose Headstart agency in the area to be served respon-

sible for the administration of programs under this part or part A of the Headstart-Follow Through Act has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(3) in the case of a plan submitted by a prime sponsor other than the State, the Governor of that State or the State Child and Family Service Council has had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A comprehensive child and family service plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor,

(2) a reasonable time to submit corrective amendments to such plan or undertake other necessary corrective action, and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 107. (a) Funds may be provided by the prime sponsor for carrying out any program under such prime sponsor's comprehensive child and family service plan only to a qualified public or private agency or organization, including but not limited to an educational agency or institution, a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, organization interested in child care, employer or business organization, labor union, or employee or labor management organization.

(b) Financial assistance under this title may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted to the Child and Family Service Council by a public or private agency and which—

(1) describes the project, identifies the children and families it is designed to serve, and provides for the necessary such comprehensive services.

(2) provides for establishing and maintaining a parent policy committee composed of not less than ten members as follows—

(A) not less than half of the members of each such committee shall be parents of children served by such project, democratically selected by parents of children served by the project, and

(B) the remaining members of each such committee shall consist of (i) persons who are representative of the community and who are approved by the parent members, and (ii) at least one person who is particularly skilled by virtue of training or experience in child care, child health, child welfare, or other child care services, except that the Secretary may waive the requirement of this clause where he determines, in accordance with regulations that such persons are not available to the area to be served;

(3) provides for direct participation of such parent policy committee in the development and preparation of project applications under this title;

(4) assures that the parent policy committee shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, and for planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects, including approval of the project director and any project applications and modifications thereof;

(5) makes adequate provision for training and other administrative expenses of such parent policy committee (including necessary expenses to enable low-income members to participate in committee meetings);

(6) assures that services shall be provided without charge to any child who is economically disadvantaged

except to the extent that payment will be made by a third party;

(7) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(8) provides opportunities for the direct participation of parents, older siblings, and other family members in the daily activities of the programs in which their children are enrolled;

(9) assures, to the extent practicable, employment of paraprofessional aides and use of volunteers, especially parents, older children, students, older persons, and persons preparing for careers in child development and family service programs;

(10) assures that children will in no case be excluded from the programs operated pursuant to this title because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(11) provides for such fiscal control and fund accounting procedures as the prime sponsor shall prescribe to assure proper disbursement of and accounting for Federal funds.

(c) A project application may be approved by a prime sponsor upon its determination that such application meets the requirements of this section and that the programs provided for therein will otherwise further the objectives and satisfy the appropriate provisions of the prime sponsor's comprehensive child and family service plan as approved pursuant to section 106.

(d) A project application from a public or private agency seeking funds under section 104 (d) shall be submitted directly to the Secretary, and may be approved by the Secretary upon his determination that it meets the requirements of subsection (b) of this section.

(e) A prime sponsor may disapprove a project application only if it provides to the project applicant a written statement of the reasons therefor. Such project applicant may submit an appeal to the Secretary requesting the direct approval of such application or modification thereof. Any such appeal shall include such comments, including the project applicant's response to the prime sponsor's statement of reasons for disapproval, as the project applicant may deem appropriate or as the Secretary may require.

SPECIAL GRANTS TO STATES

SEC. 103. (a) Upon application submitted by any State, the Secretary is authorized to provide financial assistance for use by such State for carrying out activities for the purposes of—

(1) establishing a child and family services information program, in order to improve their quality and availability, and improve the accessibility of such services to parents who need them;

(2) identifying child and family service goals and needs within the State;

(3) coordinating all State child and family services, and encouraging the cooperation and participation of State agencies in providing such services, including health, family planning, mental health, education, nutrition, and family, social and rehabilitative services where requested by appropriate prime sponsors in the development and implementation of comprehensive child and family service plans;

(4) encouraging the full use of resources and facilities for child and family service programs within the State;

(5) developing, enforcing, and assessing State codes for licensing child and family service facilities within the State;

(6) assisting public and private agencies and organizations in the acquisition or improvement of facilities for child and family service programs;

(7) assisting in the establishment of Child and Family Service Councils and strengthening the capa-

bility of such Councils to effectively plan, supervise, coordinate, monitor, and evaluate child and family service programs;

(8) developing information useful in reviewing prime sponsorship applications under section 104 and of comprehensive child and family service plans under section 106.

(b) In order to receive funds under this section, a State shall establish a Child and Family Service Council as prescribed in section 104 (a).

(c) Funds received by the State under this section shall be in addition to any funds such State may receive under this title pursuant to an approved prime sponsorship application and comprehensive child and family service plan.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

SEC. 109. (a) Applications for financial assistance for projects including construction or acquisition may be approved only if the prime sponsor, or the Secretary in cases of applications submitted for his approval, determines that construction or acquisition of such facilities is essential to the provision of adequate child care services, and that rental, lease, or lease-purchase, remodeling, or renovation of adequate facilities is not practicable.

(b) If any facility assisted under this title shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rate shall not be less than 3 per centum per annum and the period within which such loan is to be repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction, remodeling, renovation, alteration, or acquisition of facilities, may be in the form of grants or loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this title. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this title shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction. Financial assistance for construction or acquisition of facilities pursuant to this Act shall be available only to public and private nonprofit agencies, institutions, and organizations.

USE OF PUBLIC FACILITIES FOR CHILD AND FAMILY SERVICE PROGRAMS

SEC. 110. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within eighteen months after enactment of this Act report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private agencies and organizations, through appropriate arrangements, for use as facilities for child and family service programs under this title during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

(b) The Secretary may require, as a condition to the receipt of assistance under this title, that any prime sponsor under this title agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child and family service programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

PAYMENTS

SEC. 111. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 103 the Federal share of the costs of programs, services, and activities, in accordance with plans or applications which have been approved as provided in this title. In making such payment to any prime sponsor, the Secretary shall include in such costs an amount for staff and other administrative expenses for the Child and Family Service Councils and for parent policy committees, consistent with limitations contained in this title.

(b) The Secretary shall pay from funds appropriated under section 3 (a) for fiscal year 1976 an amount equal to 100 per centum of the cost of planning, training, and technical assistance.

(1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay from funds appropriated under section 3 (b) for fiscal year 1977 an amount not in excess of 90 per centum and from funds appropriated under section 3 (b) for fiscal year 1978 and subsequent years an amount not to exceed 80 per centum of the cost of carrying out programs, services, and activities under this title. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child and family service needs of economically disadvantaged children.

(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child and family service programs for children of migrant agricultural workers under this title.

(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child and family

service programs for children in Indian tribal organizations under this title.

(c) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union or employer contributions. Fees collected for services shall not be used for the non-Federal share, but shall be used by the prime sponsor to improve and expand programs under the comprehensive child development and family service plan.

(d) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions or any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements, for such contributions for the subsequent fiscal year under this title.

(e) No State or unit of general local government shall reduce its expenditures for child development or child care programs by reason of assistance under this title.

TITLE II—STANDARDS AND EVALUATIONS

FEDERAL STANDARDS FOR CHILD CARE

SEC. 201. (a) (1) Within six months after the enactment of this Act, the Secretary shall, after consultation with other Federal agencies and with the approval of the committee established pursuant to subsection (c) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child care services under this or any other Federal Act, to be known as the Federal Standards for Child Care.

(2) Such standards shall replace but shall be consistent with the Federal Interagency Day Care Requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. The 1968 requirements will continue to apply to all applicable programs until program standards required by subsection (a) are promulgated.

(3) Not less than sixty days prior to implementation of program standards pursuant to paragraph (a) of this section, the Secretary shall submit such proposed program standards to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Upon majority vote of either committee within such sixty days disapproving such proposed program standards, such standards shall not take effect.

(b) The Secretary shall establish policies and procedures, in accordance with regulations which he shall prescribe, to assure that all programs and projects assisted under this Act address, on a continuing basis, the individual needs of and the appropriateness of child development and family service for the very young and other children served—

(1) any program or project providing care outside the home for very young children shall be reviewed and evaluated periodically and frequently by the Secretary, to insure that it meets the highest standards of quality; and the Secretary may reserve such funds as he deems necessary from funds available under this Act for the purpose of evaluation, by appropriate persons, of programs under this Act in order to insure compliance with subsections (a) and (b) of this section.

(2) no program or project described in clause (1) of this subsection shall be approved for assistance under this Act unless it is specifically authorized and approved by the Secretary.

(c) (1) Upon determination that a prime sponsor or project is in violation of one or more of the provisions of this section, the Secretary shall give immediate public notice of such determination to such prime sponsor or project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 204.

(2) Upon determination that a project is in violation of one or more of the provisions of this section, the prime

sponsor shall give immediate notice of such determination to such project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 204.

(c) The Secretary shall, within sixty days after enactment of this Act, appoint a Special Committee on Federal Standards for Child Care, which shall include parents of children enrolled in Headstart and child care programs, representatives of public and private agencies and organizations administering such programs, specialists, and other public and private providers of child and family services, individuals engaged in licensing activities, and others interested in services for children. Not less than one-half of the membership of the committee shall consist of parents of children participating in programs conducted under title I of this Act and part A of the Headstart-Follow Through Act and title IV–A of the Social Security Act, or other public programs providing child and family services. Such committee shall participate in the development of Federal Standards for child care and modifications thereof as provided in subsection (a).

(d) In no event shall any prime sponsor or program or project receiving assistance under this Act reduce the quality of services provided under this Act below the standards established in this section.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 202. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child and family services facilities. Such standards shall deal principally with these matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for child care developed under section 201.

(b) The special committee appointed under this section shall include parents of children enrolled in comprehensive child services programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering comprehensive child services programs, and national agencies or organizations interested in services for children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, part A of the Headstart-Follow Through Act, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance under this Act or in which programs receiving such Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

PROGRAM MONITORING AND ENFORCEMENT

SEC. 203. The Secretary shall provide, through the Office of Child and Family Services, for regular and periodic monitoring of programs under this Act to assure compliance with the child care standards and other requirements of this Act, and shall provide for the establishment and maintenance of sufficient trained staff in such office to accomplish the purpose of this section.

WITHHOLDING OF GRANTS

SEC. 204. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any prime sponsor, or project applicant, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan

of any such prime sponsor approved under section 106; or

(2) that there has been a failure to comply with applicable standards pursuant to section 201; or

(3) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 107; or

(4) that in the operation of any plan, program, or project carried out by any such prime sponsor, or project applicant or other recipient of financial assistance under this Act there is a failure to comply substantially with any applicable provision of this Act or regulation promulgated thereunder;

the Secretary shall notify such prime sponsor, project applicant, or other recipient of his findings and that no further payments may be made to such sponsor, project applicant, or other recipient under this Act (or in the Secretary's discretion that any such prime sponsor shall not make further payments under this Act to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this Act which is being carried out pursuant to such plan or application and which is not involved in any noncompliance.

EVALUATION

SEC. 205. (a) The Secretary shall make an evaluation of Federal involvement in child and family services, which shall include—

(1) enumeration and description of all Federal activities which affect child and family service programs;

(2) analysis of expenditures of Federal funds for such activities and services;

(3) determination of the effectiveness of such activities and services;

(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this Act; and

(5) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of the evaluation required by subsection (a) of this section shall be reported to Congress not later than two years after enactment of this Act.

(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child and family services programs, and shall report the results to each such evaluation to Congress.

(d) Prime sponsors and project applicants assisted under this Act and departments and agencies of the Federal Government shall, upon request by the Secretary or the Comptroller General of the United States make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section, or the Comptroller General determines is necessary for an independent evaluation.

(e) The Secretary may enter into contracts with public or private nonprofit agencies, organizations, or individuals to carry out the provisions of this section.

(f) The Secretary shall reserve for the purposes of this section not less than 1 per centum, but not more than 2 per centum, of the amounts available under section 3 (b) of this Act for any fiscal year.

TITLE III—FACILITIES AND RESEARCH FOR CHILD AND FAMILY SERVICES PROGRAMS

MORTGAGE INSURANCE FOR COMPREHENSIVE CHILD SERVICES FACILITIES

SEC. 301. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and comprehensive child services programs.

(b) For the purpose of this section—

(1) The term "child and family services facility"

means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of comprehensive child services programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child and family services facility, including equipment to be used in its operation, subject to the following conditions.

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child and family services programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child and Family Services Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgagor shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project (including equipment replacement cost of the property or project, including equipment to be used in the operation of the facility) when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such terms as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the comprehensive child services facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 202 of this Act.

(5) The Secretary shall not insure any mortgage under this section unless he determines the facility is consistent with and will not hinder the program of child and family services under title I of this Act.

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child and Family Services Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal fee amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for purposes of their application with respect to such mortgages, all references in such provisions

to the General Insurance Fund shall be deemed to refer to the Child and Family Services Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h) (1) There is hereby created a Child and Family Services Facility Insurance Fund (hereinafter referred to as the "fund") which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and by the obligation of the fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the fund.

(3) Moneys in the fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of the fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the fund. Such purchases shall be made at

a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of the fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to the fund.

(5) There are authorized to be appropriated to provide initial capital for the fund, and to assure the soundness of the fund thereafter, such sums as may be necessary.

RESEARCH AND DEMONSTRATIONS

SEC. 302. (a) The Secretary is authorized to carry out a program of research and demonstration projects, which shall include but not be limited to—

(1) research to develop techniques to measure and

evaluate child and family services, and to develop standards to evaluate professional and paraprofessional child and family service personnel;

(2) research to test preschool programs emphasizing reading and reading readiness;

(3) preventive medicine and techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases and learning disabilities of pre-school children;

(4) research to test alternative methods of providing child and family service;

(5) evaluation of research findings and the development of these findings and the effective application thereof;

(6) dissemination and application of research and development efforts and demonstration projects to child and family service and related programs and early childhood education, using regional demonstration centers and advisory services where feasible;

(7) production of informational systems and other resources necessary to support the activities authorized by this Act;

(8) developing methods of determining the needs of individual children in particular areas such as education, nutrition, and medical services, so as to permit the

modification of programs to fit the needs of individual children; and

(9) a study of the need on a nationwide basis for child and family services programs and of the resources, including personnel, which are available to meet this need.

(b) In order to carry out the program provided for in this section, the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private agencies (including other Government agencies), organizations, institutions, and individuals.

(c) (1) The Secretary shall coordinate, through the Office of Child and Family Services established under section 101 (a), all child and family services research, training, and development efforts conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

(2) Funds available to any Federal department or agency for the purposes of this title shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary through the Office of Child and

Family Services established under section 101 (a), for the purposes for which the transfer was made.

(d) The Secretary shall conduct special demonstration, and model programs, which demonstration, and model programs shall be subject to the fullest extent practicable to each of the requirements with respect to project applications under section 107.

(e) The Secretary shall report to Congress not later than September 1, 1976, summarizing his activities and accomplishments under this section during the preceding fiscal year and the grants, contracts, or other arrangements entered into and making such recommendations (including recommendations for legislation) as he may deem appropriate.

TITLE IV—TRAINING OF PERSONNEL FOR CHILD AND FAMILY SERVICES

TRAINING

SEC. 401. Congress recognizes that one of the major barriers hindering the development of quality child services at the present time is the lack of sufficiently trained and prepared professional and paraprofessional staff; and the continued entry of mothers of young children into full-time employment outside the home, will, in the future, place an intolerable strain on the already limited numbers of personnel qualified for work in early childhood programs; that the development of quality programs depends, therefore, on the availability of trained personnel in far greater numbers than present training programs can respond to; and finally, that parents can be helped effectively to use child service methods with their own children that will lessen or prevent the need for compensatory education programs for older children.

SEC. 402. It is the purpose of this title to respond to the demonstrated need for child services personnel in the 1970's; by stimulating the development of sufficient training and educational programs in every State and region of the United States to assure an adequate supply of personnel to meet staffing requirements.

SEC. 403. The Secretary of Health, Education, and Welfare is authorized to make grants to or enter into contracts with institutions of higher education, State and local agencies, State and local educational agencies, private organizations and agencies engaged in teacher training, teacher training institutions, national child care organizations, and producers of television programing, for the purpose of establishing, developing, or upgrading early childhood personnel training programs which shall include, but shall not be limited to, the development of programs to—

(A) provide postgraduate level training for teachers of professional and paraprofessional early childhood personnel and for teachers of teachers of such personnel;

(B) attract and recruit personnel, both male and female, including students and older Americans, to training for and subsequent employment in child care programs;

(C) retrain personnel prepared for and/or experienced in education at levels other than early childhood so as to enable them to function effectively in early childhood programs;

(D) provide preservice and inservice training of professional and paraprofessional personnel for teaching, management and supervisory, and administrative posts in early childhood programs, including the training and certification of Child Development Associates;

(E) help parents and high school students understand and practice sound child care techniques;

(F) develop educational television programs and other materials for training early childhood personnel, parents, and high school students;

(G) develop and refine certification criteria and techniques for professional and paraprofessional early childhood personnel.

APPROPRIATIONS

SEC. 404. There is hereby authorized to be appropriated to carry out this title $40,000,000 for the fiscal year ending June 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, and $75,000,000 for the fiscal year ending September 30, 1978.

ADDITIONAL PROVISIONS

SEC. 405. Section 501 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence: "There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1976, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for comprehensive child services programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1976, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for such programs.".

SEC. 406. Section 205 (b) (3) of the National Defense Education Act is amended as follows, by adding after the word "nonprofit" each time it occurs the phrase "comprehensive child services program," by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit comprehensive child services programs or in any such programs operating under authority of title I of the Child and Family Services Act, and (D)".

SEC. 407. The Secretary of Health, Education, and Welfare, is authorized to award grants to individuals employed in comprehensive child services programs operating under the authority of title I of this Act and to such programs for the purposes of meeting the costs of ongoing inservice training for professional and nonprofessional personnel, including volunteers, to be conducted by an agency carrying on a child and family services program by a community or higher education institution, or by a combination thereof.

SEC. 408. There is authorized to be appropriated for the purposes of section 403 the sum of $5,000,000 for the fiscal year 1976 and for each succeeding fiscal year.

TITLE V—GENERAL PROVISIONS

DEFINITIONS

SEC. 501. As used in this Act, the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare;

(2) "State" means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa,

the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "child and family service programs" means programs on a full-day or part-day basis which provide or arrange for the provision of the educational, nutritional, health, and other services needed to provide the opportunity for children to attain their full potential, including services to other family members;

(4) "children" means individuals who have not attained the age of fifteen;

(5) "economically disadvantaged children" means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics at the Department of Labor;

(6) "handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(7) "program" includes any program, service, or activity, which is conducted full- or part-time in the home, in schools, or in child care facilities;

(8) "parent" means any person who has primary day-to-day responsibility for any child;

(9) "single parent" means any person who has sole day-to-day responsibility for any child;

(10) "working mother" means any mother who needs child or family service in order to undertake or continue full- or part-time employment, training, or education outside the home;

(11) "minority group" includes, but is not limited to, persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, may need special assistance, and, for the purpose of this paragraph, "Spanish-surnamed Americans" includes, but is not limited to, persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

(12) "bilingual" includes, but is not limited to persons who are Spanish-surnamed Americans, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, may need special assistance;

(13) "local educational agency" means any such

agency as defined in section 801 (f) of the Elementary and Secondary Education Act of 1965;

(14) "unit of general local government" means any political subdivision of a State having general governmental powers.

NUTRITION SERVICES

SEC. 502. In accordance with the purposes of this title, the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child and family services programs under this Act. Such services shall make use of the special food service program for children as defined under section 13 of the National School Lunch Act and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts.

SPECIAL PROVISIONS

SEC. 503. (a) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program, program participant, or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations and make such payments in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 504, the Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act on any term or condition of assistance under this Act.

(d) The Secretary shall not provide financial assistance for any program, service, or activity under this Act unless he determines that persons employed thereunder, other than persons who serve without compensation, shall be paid wages which shall not be lower than whichever is the highest of—

(1) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 206), if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof;

(2) the State or local minimum wage for the most nearly comparable covered employment; or

(3) the prevailing rates of pay for persons employed in similar occupations by the same employer.

(e) The Secretary shall not provide financial assistance for any program under this Act unless he determines that no funds will be used for and no person will be employed under the program in the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

SPECIAL PROHIBITIONS AND PROTECTIONS

SEC. 504. (a) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, physical, or other development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law

(b) The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act unless the parent or guardian of such child informed of such research or experimentation and is given an opportunity as a right to except such child therefrom.

(c) A child participating in a program assisted under this Act shall not undergo medical or psychological examination, experimentation or research, immunization (except to the extent necessary to protect the public from epidemics of contagious diseases or in the case of medical emergencies where parental consent cannot be readily obtained), or treatment without the written permission of his parent or guardian based upon full understanding of the procedures and possible consequences.

PUBLIC INFORMATION

SEC. 505. Applications for designation as prime sponsors, comprehensive child development plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

COORDINATION WITH EXISTING AUTHORITY

SEC. 506. (a) After consultation with the head of any agency of the Federal Government immediately responsible for providing Federal assistance for child and family services, and related programs, including title I of the Elementary and Secondary Education Act of 1965, part B of the Headstart-Follow Through Act, title VII of the Housing and Urban Development Act of 1966, title I of the Demonstration Cities and Metropolitan Development Act of 1966, and titles IV and VI of the Social Security Act, the Secretary of Health, Education, and Welfare shall establish regulations to assure the coordination of all such programs with the programs assisted under this Act.

(b) The day care services furnished as a part of the child care services furnished under a State plan approved under part A of title IV of the Social Security Act, or as a part of the child welfare services furnished under a State plan developed as provided in part B of such title, shall be day care services made available under title I of this Act, and such services shall be deemed to meet the requirements of section 422(a)(1)(C) of the Social Security Act. The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that suitable child and family services programs under this Act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans developed as provided in part B of such title to the extent that such programs are required for the administration of such plans and the achievement of their objectives, and that there is effective coordination between the comprehensive child services programs under this Act and the programs of aid and services under such title IV.

(c)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child care facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child care facilities";

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child care facilities"; and

(C) by inserting after "public health purposes" and the second sentence, the following: ", or for the operation of child care facilities,"

ACCEPTANCE OF FUNDS

SEC. 507. In carrying out the purposes and provisions of this Act, the Secretary is authorized to accept and use funds appropriated to carry out other provisions of Federal law if such funds are used for the purposes for which they are specifically authorized and appropriated.

Senator Mondale. The 1971 version of the bill passed both Houses of Congress by impressive bipartisan margins, was vetoed by former President Nixon, and that veto was almost overridden by the Senate, but the 51–36 vote to override fell 7 votes short of the two-thirds majority required.

In 1972, the Senate passed a revised version of that bill by an overwhelming vote of 73 to 12. Then, last August, we held joint Senate-House hearings on the bills before us today in an effort to begin the legislative consideration and public debate necessary for passage this year.

With today's hearing we begin a series of joint hearings to be held over the next several months. Today and tomorrow, we hope to focus primarily on the need for legislation of this kind.

In later hearings, we intend to explore in depth many of the important questions about the specific provisions in the bill, including questions about the authorization levels; about the appropriate role of the public schools in the delivery of these services; about the role of profitmaking child care programs; about the appropriate combination of State and local governments in the delivery and administration of these services; and about ways to coordinate this legislation with existing services to families and children such as the social services and day care programs under the newly enacted title XX of the Social Security Act.

I want to emphasize that the bills before us are designed to provide the substance necessary to achieve the No. 1 priority identified by the 1970 White House Conference on Children and Youth—the priority of "comprehensive family-oriented child development programs including health services, day care, and early childhood education."

The bill reflects our best thinking, after 5 years of legislative investigation, about the way to best provide for the wide variety of programs and services that families need. But nothing in this bill is etched in stone.

Many things have changed during the 5 years we have been working on this legislation, but the needs for it have remained constant or have increased.

The infant mortality rate in our country is still inexcusably high—still higher than that of 13 other nations.

While we have made some progress in the detection and treatment of handicaps, each year an estimated 200,000 children are struck by handicaps which could have been prevented if they and their mothers had received early health care.

There are only about 1 million spaces available in licensed day care programs for the 6 million preschool children whose mothers are working.

And between 1970 and 1973,.there has been an increase of 650,000 in the number of children whose mothers are working.

Our bills will not meet all of these needs, but, if passed and funded, they will substantially increase the resources available to families and children who need this kind of help.

The bills authorize $1.8 billion over the next 3 years to fund a wide variety of services, including day care services for preschool children, medical services for expectant and new mothers to reduce the incidence of preventable birth defects, family counseling, education, health diagnosis and treatment programs, and nutrition programs for children.

The bills contain a unique phase-in year for planning, training, and technical assistance, to assure that program funds which become available in the following years can be used as effectively and efficiently as possible.

I want to emphasize that programs authorized by this legislation are totally voluntary and maximize parent control and decisionmaking. They recognize and specifically provide that child care programs must be voluntary, and must build upon and strengthen the role of the family as the primary and fundamental influence on the development of the child.

They assure that parents will have the opportunity to choose among the greatest possible variety of child and family services, including prenatal care, nutrition assistance, part-day programs like Head Start, after school or full day developmental day care for children of working mothers, in-the-home tutoring, early medical screening and treatment to detect and remedy handicapping conditions, and classes for parents and prospective parents.

Clearly the economic situation in our country will affect the consideration of this bill.

Unemployment is now at the absolutely intolerable level of more than 8 percent. Families and children are also suffering from double-digit inflation. There are, obviously, many important programs in the areas of tax relief, tax reform, public service jobs, improved unemployment compensation, and other fields that require the immediate attention of the Congress and the President.

But I believe for many reasons that child and family services should continue to rank among the highest priorities of our Nation because many children need improved services and care, either through a new or an upgraded program of health or child care, or other service.

These investments to support families and help in the early years of life are not only the most humane actions our Nation can take, they are also one of the most cost effective. In addition, at a time of rising unemployment, the child care system should be among those programs considered for its job creation capacity, because it is one of the most labor-intensive programs we have.

I hope that as our hearings proceed and the need for this legislation becomes even more clearly demonstrated that we can work with the administration and gain their support.

I am delighted that Senator Stafford is with us this morning.

Senator STAFFORD. Thank you, Mr. Chairman.

I am glad, after many years of service on both sides, to find these committees holding joint hearings.

I think in this way so much of the time of the Congress is saved. I wish we had more of this. I think it is progressive from the standpoint of getting our work done.

Senator MONDALE. Thank you.

I also want to welcome Congressman Brademas, who is cochairman, and is my old friend and companion from House days, Congressman Bell is also here as a member of the House Select Subcommittee on Education. It is very nice to have you over on this side.

Mr. Brademas. It is very nice to be here.

Mr. Bell. It is a pleasure to be here, Senator Mondale and Senator Stafford.

Senator Mondale. Mr. Brademas.

Opening Statement of Mr. Brademas

Mr. Brademas. Today we begin joint hearings of the House Subcommittee on Select Education and the Senate Subcommittee on Children and Youth, chaired by Senator Walter F. Mondale, on H.R. 2966 and S. 626, the child and family services bill.

I want to observe at the outset that we resume consideration of this measure which can prove to be of enormous importance to children and families across the Nation thanks to the leadership of several Members of the House and Senate on both sides of the aisle.

Joining me in the House as principal sponsors of the child and family services bill, H.R. 2966, are the gentleman from California, Mr. Bell; the gentlewoman from Hawaii, Mrs. Mink; and the gentlewoman from Massachusetts, Mrs. Heckler; and several members of my subcommittee. And the principal sponsors of the companion measure in the Senate, S. 626, are Senators Mondale of Minnesota and Jacob K. Javits of New York.

The bill would provide $1.85 billion over 3 years to plan for, initiate, and operate a new program providing a wide variety of services to children and their families.

Activities which could be funded under the measure which we are considering today include health services, screening for handicaps, prenatal services for mothers, in-home and center-based day care—both part and full-time—and health and nutrition programs.

My own subcommittee held 20 days of hearings on similar legislation in the 91st and 92d Congresses, and Senator Mondale's subcommittee, likewise, conducted an extensive investigation into the needs of children during that period.

Those hearings amply demonstrated the need for the services to children and their families which the bill provides.

Some of you may recall the results of our efforts in the 91st and 92d Congresses. President Nixon, in December of 1971, vetoed the Child Development Act.

Last August, efforts to enact a new bill began again in earnest, and Senator Mondale and I held 2 days of joint hearings on the child and family services bill, joint hearings which we are resuming again today.

Evidence of the need for legislation of the type we are considering comes from several sources.

Take the need for screening programs for handicapped youngsters.

Today there are approximately 7 million handicapped children between the age of 0 and 18, including over 1 million handicapped preschool children, in the United States.

Fully 60 percent of these youngsters are not receiving the special education services they need, and many of them lack the medical assistance they also require.

The early identification programs for handicapped and learning disabled children, which can be established under this bill, will allow prompt treatment at an early age, treatment which might make a critical difference to the full development of such children.

Or let us look at day care needs in the United States.

Carmen Maymi, Director of the Women's Bureau of the Department of Labor, said in Chicago last November:

> Almost 27 million children in the United States under the age of 18 had mothers who were in the labor force in March 1974. About one-fourth of these children were below regular school age and probably required some kind of care while their mothers worked.

But for the 6 to 7 million pre-school-aged children with working mothers cited by Ms. Maymi, there exist only 1 million licensed day care spaces in this country.

As final evidence of the need for the legislation we are considering today, I would cite our difficulties with respect to health care for children.

I think you will all agree with me that it is inexcusable that this, the richest country in the history of mankind, currently ranks 14th in the world in terms of infant mortality.

I would hope that the prenatal and postpartum care which this bill can make available to families will help us improve this astonishing statistic.

Speaking for myself then, I think the time is long past when resolutions and expressions of good will will suffice for the children and families of our society.

It is time for action, not words.

And the action that will best demonstrate our respect for families and concern for children is the prompt enactment of the measure before us today.

Let me finally say just a brief word about the voluntary nature of the services to be provided under the child and family services bill and about the question of parental involvement.

First, children may be enrolled in programs providing services only after a written request from their parents or guardians has been received.

Second, the bill requires parental involvement at every stage in the planning, development, and operation of the programs.

Third, parents are to be part of the councils which are required at both the prime sponsor and local program levels.

Finally, parents themselves will choose which services they wish for their children.

Let me conclude by reiterating that the provisions of this bill are not etched in stone, and I look forward to the testimony of our witnesses today regarding improvements which might be made in the legislation.

Senator MONDALE. I want to say also a one word of welcome to Mrs. Edelman for her fine work in the past and her efforts regarding child development, and I am sure there are going to be questions as to whether these proposals are adequate or extensive enough.

We, on this committee, are ultimately going to have to make some choices and adjustments, and this will not be easy.

Welcome to the committee.

STATEMENT OF MARIAN WRIGHT EDELMAN, WASHINGTON RESEARCH PROJECT ACTION COUNCIL, AND DIRECTOR, CHILDREN'S DEFENSE FUND

Mrs. **EDELMAN**. Chairman Brademas, Chairman Mondale, and members of the committee, I am Marian Wright Edelman, and I am here today, thanks to your invitation, to testify on behalf of the Washington Research Project Action Council.

The Action Council is a public interest lobbying organization which focuses its attention on legislation which affects children, especially low income and minority group children. It has served as coordinator of an ad hoc informal coalition of nearly 50 national organizations, many of whom were instrumental in securing passage, with your leadership, of a comprehensive child development bill in 1971, and all of whom maintain their interest in enactment of such legislation now.

The Action Council also works closely with over 400 individuals and organizations throughout the country who are interested in improving child care services in their own communities.

I am also director of the Children's Defense Fund, a child advocacy project, which has spent the last 2½ years gathering evidence about the condition of children in this country. CDF will issue during 1975 a number of reports on problems faced by large numbers of American children. We seek to correct the problems we uncover through Federal and State administrative policy changes and monitoring, litigation, public information, and support to local groups and parents who are trying to make life better for our youngest citizens.

Above all, I am here as the parent of three preschool children. Like every parent, I want the best of everything for my children. But unless we insure that children other than our own have a decent chance to grow up healthy and whole, all of our children will be left a costly legacy in services, in crime, in alienation, and in national division.

Many voices are now raised against considering new domestic spending programs. Although he hesitates little about recommending new expenditures for defense, President Ford counsels cutbacks in those programs directly benefiting families and children, like food stamps and child nutrition.

We cannot sacrifice our children in times of economic trouble. Federal support for child care services had its largest growth during the depression of the thirties, under Franklin Roosevelt, when funds were authorized so that children would not suffer irreparable hardship.

It is our children who will suffer most later by neglect now. The infants and toddlers we were seeking to help in 1971 are ready to start school. The preschoolers were already in third and fourth grade. And thousands more children have been born at a disadvantage because their mothers did not have decent nutrition and prenatal services.

To those who ask whether the time is right for this kind of categorical legislation, in this economy my answer is an unequivocal yes!

The recession has increased the urgency for child care services. As the purchasing power of the dollar declines, more and more families require assistance—food, health care, subsidized services—to meet the basic survival needs of their children.

And as the unemployment rolls grow, particularly with the increase in male unemployment, the general sense of economic insecurity may well be forcing more mothers to take part-time jobs, and may be keeping more new mothers in the work force after their children are born. The waiting lines for decent child care are not disappearing.

Investment in child development programs can help stimulate the economy because it will create jobs. If we are going to maintain the child-staff ratios necessary for quality programs, we will have to employ a lot of people. However, let me inject a word of caution here.

Child care work is a separate distinct profession. It is not just make-work. It needs men and women with warmth, openness, and demonstrated effectiveness in dealing with young children. Academic credentials, by themselves, do not measure those kinds of skills.

Parents and community people who are employed in programs like Head Start and neighborhood child care facilities, who come from the child's own environment, are providing some of the best care for children today.

If one of our goals is to keep families together—and I think that is the primary one—then helping community people work with children, while providing the means for them to support their families with dignity, has a double payoff.

What then should we be trying to accomplish with comprehensive child care legislation? And what are the main questions and fears that have to be addressed by you in your subsequent hearings?

The principal objective of this legislation has always been to provide services to families who want and need them in order to meet the comprehensive needs of their children. We need to make the record clear on this point.

This is not just a day care bill, although the lack of sufficient quality day care options is one of the most pressing needs in many communities today.

It is not only or primarily an early childhood education bill, although education is one of the components of a comprehensive program.

It is not a bill just for poor children, because many children and families require decent child care options.

It is not a bill just to provide group care for young children. Parents must be able to choose from a wide variety of arrangements, including in-home, family, and group care, before and after school programs, and work-based facilities.

It is not only a program for working mothers. Nor is it designed to encourage more women to enter the work force. We are trying to deal with the needs of children whose mothers already work, and to meet the needs of children whose mothers do not work but whose families need help.

In sum, this legislation seeks to provide the framework and the funds for a community to deal with its own most urgent needs—health, nutrition, family support services, outreach, prenatal care, day care, preschool education—whatever they may be in that particular locality.

That a crying need for this kind of program exists is clear. For example:

Forty percent of the young children in this country are not even fully immunized against childhood diseases. That is an alarming step backward in meeting the most basic child health needs.

Only one out of three AFDC children who need eyeglasses get them.

At least 10 million children, most of them poor, receive no health care at all.

Only 11 percent of the pregnant women and children under age 4 who need supplemental feeding programs for basic nutrition get them.

Over 4 million children have limited or no English-speaking ability, and only a handful of them are enrolled in bilingual, bicultural programs.

Some look at this evidence and ask whether child development legislation is the best way to meet these ends. Why not provide enough money to families to enable them to purchase these services for their children?

I believe in an adequate income maintenance program. Lack of income is a major source of stress in families today, and the distorted welfare system encourges separation of families as a condition of financial assistance.

However, while an adequate income maintenance program might well eliminate or reduce the need for public subsidy of the cost of certain services to children, there will still be a need for public funds to encourage the development of facilities and services. Gaps in child development services exist now, not only because people do not have the money to pay for such services, but because the services just are not there, even for families who can afford to pay.

More essentially, however, one has to view the argument in terms of practical possibilities. A family will not have enough resources to purchase even the most basic child care services until we are ready to talk about income maintenance levels at least twice and maybe three times as much as the administration has been willing to suggest or the Congress has been willing to consider in the past.

I am not prepared to sacrifice all of the children who are out there now, with needs that we might begin to meet with the kind of legislation you are considering, to wait for the time when we have a political climate that will support a truly adequate income maintenance program.

Other opponents fear this kind of legislation on grounds that it will encourage women to work and thus undermine mother-child relationships.

First of all, there is evidence that working mothers spend as much or more one-to-one time with their children, and find as much or more enjoyment in child care, as nonworking mothers.

Second, there is no hard evidence to show that harm to mother-child relations, or harm to children's development, will occur if children, like other members of the family, leave the house daily to be cared for by friendly consistent adults.

Third, this position ignores the reality of what already exists.

Most women work because they have to. Of the 27 million children under age 18 whose mothers work, 12 million are in female-headed households, where the median income is $6,195 if the mother works, and only $3,760 if she does not.

In another 1 million families, the husband's income is inadequate to maintain minimum financial independence. And, in most cases, a wife's earnings make the difference between poverty and middle class.

One-fourth of these children of working mothers are below school age. Since 1970, the number of children of working mothers has increased by 1.2 million while the total number of children in the country has gone down by 2.2 million. Yet, in spite of all these facts, there are still less than 1 million slots in licensed child care facilities.

Some argue that we do not have enough evidence of long-term gains from Head Start to justify putting new Federal resources in these kinds of programs. That position assumes that the success of such programs should be measured in terms of lasting IQ gain, a traditional white middle class yardstick.

However, if we measure these programs in terms of the things that really matter to many parents and children—elimination of health problems, improved nutrition, stimulation of the child's curiosity, changes in other community institutions—then they are unquestionably successful.

Evaluators of these kinds of programs must be extremely cautious about imposing their own values on other people's children. Many parents may not care so much whether their children get into an Ivy League college. But they do care, as I do, about whether they are in good health, can see and hear, are getting enough to eat, are able to relate to their peers and, above all, are happy.

A mother worries when she has to work and cannot find someone she can trust to be nice to her children, to keep them warm and clean and fed, to help them grow and learn about themselves and about the world around them.

Poor parents worry when they cannot get enough food, when they cannot figure out what is wrong when their child complains of a stomach ache, and they cannot afford a doctor to help them.

Cognitive development is important, but it is only one of many important needs which children and families have, and which this legislation attempts to address.

Some child psychologists are moving away from the heavy emphasis on the first 5 years of life as essential to a child's development. They point to evidence that developmental gaps in early childhood can be filled at a later stage of life. But that is no argument against early intervention. It only supports the argument which all of us here, I think, have always made—that you cannot intervene at just one stage in a child's life and expect that to be enough.

Still, the fact is, that while it may be possible to correct a child health problem at the age of 10, it is probably easier and certainly better to do that when the child is 2 or 3.

Similarly, it may be possible, when you discover at the age of 8 that a child has a hearing or sight problem, to correct that problem and provide the remedial services necessary to help him catch up with the rest of the third graders.

But is it not fairer to the child to catch the problem and deal with it before he gets to school?

And what about the child who starts first grade with no understanding of the English language?

Could not a bilingual, bicultural preschool experience based on that child's own heritage and environment help to prepare him for the first day of school?

Child care legislation must support families. This means including parents.

The underlying principle of the legislation before you is that child care needs differ from family to family and from community to community. So do the capacities of community institutions to meet those needs.

The community itself must be able to assess its overall child care needs, to make local choices about the types of services to be offered, and to determine who within the community should provide those services so that families have options. This flexibility is essential.

The involvement of parents is critical to the success of child care programs. Insistence on decisive parent involvement is not a move for political and economic power, as some critics charge—although I do not think that is a bad idea at all.

Rather, it is an essential component of child development. We have not found anything better for children than parents yet. Leading child psychologists have recognized that consistency of child-rearing styles—expectations, rewards, and punishments—is most important for healthy development.

If the child spends some time away from home each day, consistency of the day care program with his or her parents' values becomes crucial. Parents must have a strong voice in determining the policies and practices of any child care program to insure their child's best interests are being met.

Parents are the most central force in the development of their children. They have a right to a voice in how the programs which affect their children are operated. They are, or certainly should be encouraged to become, experts about their own children and should be confident in speaking on their behalf.

One of the problems with too many purported child-caring institutions—the public schools, the health care system, social welfare agencies—is that they treat the parents as interlopers. "Don't interfere with what we are doing with your child," the parent seems to hear. "Wait until we send him back home, and then support us."

Head Start was the first real effort to break away from that mold. For the first time, low income and minority group parents were told, "You have a stake in your child's development, and you have a right to make decisions about the way this program runs." As a result of their involvement in the operations and administration of Head Start, many parents acquired new understanding of their own role as child carers and new skills to help their own children develop. They also learned how to deal with other institutions which affect their children.

The success of Head Start has been directly related to the nature and extent of this parent involvement. We should build on this good beginning. Parents able to act with assurance and dignity to help their children is exactly the goal we are seeking. It may not be "measureable" in the short run, but that does not mean it is not of major importance to children and to the nation.

It is because this legislation must support families and include parents that the delivery systems are so critical. I know that you are going to be taking a very hard look at the delivery systems in H.R. 2966 and S. 626, and will be holding hearings later to consider specific changes and alternative mechanisms.

I realize that there is renewed pressure to expand the role of the States in the delivery of services. Events since 1971—including the creation of offices for children in many States, the role of Governors in the struggle to preserve the social services program, and the expansion of day care services through State agencies under title IV–A and the new title XX—suggest another look at that question.

We maintain the same very deep reservations we have always had about the capacity and the willingness of many State governments to support the kind of community institutions and to allow the degree of parent participation which this legislation envisions.

You are also confronted with a new campaign to place the entire delivery system in the hands of the public schools. I am opposed to giving schools a whole new set of responsibilities when they are so far from meeting the ones they already have.

The Children's Defense Fund has just completed a study which gives evidence that more than 2 million school-age children are out of school, and that millions more are in school but are not learning, because the schools do not have the flexibility, the sensitivity and, some argue, the resources to deal with their special problems and needs.

We cannot justify sending even younger children into that atmosphere, particularly when it is precisely the children who are most in need of child care services whom the schools most often exclude or otherwise disservice.

One of the most important features of the Head Start program is its outreach function, and that is one of the things which, the exclusion study shows, the schools do least well.

I question whether most schools practically—and even, in some cases, legally—can administer an entire comprehensive program which addresses the broad range of child development needs in a community. I am very fearful that too many school boards, suddenly given a new pot of Federal money, will simply put those funds where they can spend them most easily and with the fewest adjustments in the regular school program—in kindergartens where they do not have them, and in day care programs where there are empty classrooms or unemployed teachers. This bill tries to do much more.

But, rather than argue the pros and cons of any one delivery system here, I think it might be more useful to list the standards, based on the objectives of the bill, against which you must measure every proposed delivery system:

1. Can it provide the full range of services which children and families need?

2. Does it assure community decisions about the types of services to be offered, based on a local assessment of needs of children and families in that community?

3. Does it give parents the central role in the community's decisions about the types of services to be provided and in the day-to-day operation of the programs in which their children are participating?

4. Is it flexible enough to provide parents and families with real options, including services in a variety of settings—that is, in the home, in neighborhood facilities, at places of employment?

5. Does it preserve existing community child care institutions—including Head Start projects—and assure opportunity for such institutions to expand and to receive funds under this legislation?

6. Does it encourage services in settings that support the family and are relevant to the child's own culture and environment, and that are staffed by people from the child's own community, including parents?

7. Does it include a funded mechanism for enforcing Federal standards?

8. Does it provide a mechanism for coordination with other agencies providing services for children in the community—including those provided through public health, education, and welfare agencies and especially those provided with title XX and Head Start funds?

I cannot urge you strongly enough to include in your hearings on delivery systems testimony from parents who have tried to find child care services and community groups who have tried to provide them. We can make suggestions for individuals who could give you useful practical evidence, and we would be happy to work with you to arrange for them to testify.

The delivery system is not the only unresolved issue in this bill. I know you do not want to get into specific detail at this point in your hearings, but I would just like to mention several other areas of particular concern to us.

One of these, which I know you are hearing a great deal about, is the question of the role of profitmakers in this legislation. The horror stories about nursing homes, fostered in good part by the availability of Federal funds to profitmaking operations, should serve as fair warning for child care programs.

I am opposed to using public funds to support franchised, commercial child care operations, and I think they should be specifically excluded.

Limiting the program to public and private, nonprofit agencies would not exclude employer-provided child care, nor should it eliminate family day care operators, if properly written.

I would also recommend that you take another good look at the eligibility and fee schedules in the bill. The Bureau of Labor Statistics lower living standard must be the absolute minimum level for free activities.

However, in title XX, the Congress has just established a new standard of need, the State median family income, which is higher than the BLS figure and which might be incorporated into the bill before you now.

I also urge you to look closely at how this legislation relates to the new social services law, and whether your bill will allow vendor payments or only grants and contracts. Those questions have never been fully considered.

The fact that I am not raising other issues, like the absolute necessity of Federal standards with funded enforcement, and a guarantee of continued funding of Head Start programs does not mean that we are any less committed to those provisions in the bill than we have always been. They are essential, and we would not support a bill without them.

I am simply operating on the assumption that those are not issues in question, and that we are all agreed that they will be included in any legislation that is reported by these committees.

In closing, let me commend you for your own persistence on this issue. I am convinced, on the basis of the children and families we see in our work every day, that this legislation is essential and cannot be deferred.

But we are not willing to accept just any bill, for the sake of having a bill. Neither, I am sure, are you.

These committees can write a bill that is good for children and families, and we can rally the support for such a bill to see that it is enacted into law and funded. Like many others, we are willing to devote as much time and energy as is necessary to help you make that happen.

Senator MONDALE. Thank you very much for a very strong statement and one which I think expresses great wisdom on the whole range of questions which underlie efforts of this kind.

Senator Stafford.

Senator STAFFORD. Thank you very much, Mr. Chairman.

As a newcomer to the august position of ranking member of this subcommittee, I must say I am impressed by your statement, Mrs. Edelman, and the speed with which you have been able to deliver it.

I am here principally to learn and not to ask questions, but I do have a few that I would like to ask.

In connection with page 2 of your statement, you note budget questions will be raised against child care as a new commitment.

Can a case be made over the long-term cost effectiveness of child care in terms of future savings, for instance, in the field of juvenile delinquency, welfare, manpower training, and so on?

Mrs. EDELMAN. Senator, there are some cost-effective arguments that can be made, even though obviously experts will differ, but I have some fundamental problems with that.

The basic thing of importance is what is important for the children?

I think there are certain benefits which we see even though we do not have concrete or hard proof. For example, I am convinced if we had good child development services available, we would keep a lot of children out of foster homes. It is more expensive to maintain those children in foster homes than it is to keep them with their families.

It takes a great amount of money to institutionalize them. With the right kind of support, which this bill could provide families that are facing temporary problems or emergencies would be allowed to maintain the basic care of a child and save the expense of long-term institutional care, as well as the harm done to those children.

There are a number of instances or examples, one could pull out and give you to try to make cost-effectiveness arguments, for example, the benefits which flow from direct services, from programs such as Head Start, which has given many children eyeglasses and hearing aids, which I think has made them more productive in school. One could argue that the fact they are not maintaining the same children in the same grades year after year is a result of the earlier services received.

More importantly, I think we ought to question whether the cost-effectiveness approach for children is the one we ought to take. It seems to me that we should ask ourselves what is best for the children and proceed with that.

I think we would like to make both kinds of arguments and recognize that there are some things that are not measurable in cost-benefit terms.

Moreover, I think we should not impose on children standards that we are not willing to impose on any kinds of programs. Once we make these efforts in our defense contracts, I think then we can begin to deal with some of that here as well.

Senator STAFFORD. Many have the impression that child care needs are basically concentrated in major cities, and that there is no national need.

Would you care to comment on that?

I have a parochial interest, especially with respect to rural areas, since I come from a more or less rural part of this Nation.

Mrs. EDELMAN. I think that is an incorrect statement. Children all over the country in all kinds of settings have needs in this area, as in many others.

For example, there had been the impression that urban children were disproportionately out of school. It turns out that, in fact, the reverse is true, that rural children, for instance, are more likely to be out of school than urban children.

Having grown up in a rural area in a small town, and having worked in Mississippi and other Southern States, it is very clear to me that the kind of poverty that we are finding in the rural areas rivals no other.

To be brief, it is not just an urban problem.

Senator STAFFORD. Just one more question.

On page 10 of your statement, Mrs. Edelman, you indicate that you maintain the same reservations on capacity and willingness of many State governments to support efforts envisioned by the bill which is being considered today.

Would you care to elaborate on that, and are there instances of satisfactory performance on the part of the State governments?

What do you see as the minimum role for a State?

Mrs. EDELMAN. Senator, we are now trying to look at this more closely with regard to visiting some States and seeing whether the Office of Child Development is a paper operation as opposed to what we are really doing.

Are they putting some of their own moneys into these programs, as opposed to just taking existing money?

What is the quality of programs they are seeking to run?

What kind of outreach is there, and what kind of parental involvement is there?

I think I would like not to make a general statement until we have made our detailed assessments, but it is clear there has been a growing recognition for this need.

The question is whether or not community groups feel they are going to be respected and utilized by the State, as opposed to whether they will simply lose control of these programs.

I think that it is encouraging to see the recognition.

I think we should look deeper, and I would like leave to report back to this committee what facts we have after we have been able to make a State-by-State assessment.

Senator STAFFORD. This Senator would certainly appreciate this if you would supply any information you can compile in this area to the subcommittee.

Thank you.

Senator MONDALE. It is my impression on the rural question that this bill is being considered publicly as just a day care bill, and they speak of day care as some kind of structure, somewhere in the community, for children.

What we envisage here is a very flexible program in communities which parents can use in ways that they think best serve their children's needs.

A lot of rural communities do not think in terms of day care. It may seem more important to them to have homemaker services.

This may be more what they want, but the idea is what do they want for their own children. That is the idea, not what we might want.

I think this is not fully realized.

Congressman Bell.

Mr. BELL. Thank you, Mr. Chairman.

Mrs. Edelman, I commend you for your articulate statement.

In what ways do you think a child should benefit from a program of this type? In our discussion we cannot lose sight of the fact that helping children is our main goal.

Mrs. EDELMAN. I think many different children will benefit in different ways, but, if I can just talk about these poor children I knew in the Headstart program, they benefited by having their health needs recognized for the first time in their lives.

They had their problems identified, they had their problems treated. That is a very major thing.

Many of these children for the first time received one and two hot meals a day. These are just direct kinds of services.

Third, the children benefited because for the first time they began to receive care from adults that was open and warm, that recognized the need for children to be alive and curious and active, which was a new thing for many parents whose images of what a good child is is a quiet child.

Fourth, the children benefited because for the first time their parents were involved in trying to understand the things that were possible and could be done with their children.

So a parent could learn to read with their children. Parents began to understand—I saw this happening—the importance of nutrition, the importance of health care. They began to understand they were entitled to get services from institutions which were available.

Particularly among the black families, when they saw the interracial textbooks, when they saw there were such things, that there were images their children could be proud of in the educational process, they began to ask questions: Why were these not available in the public schools?

I saw parents who found that teachers could be warm and responsive. It turned out that some of our best teachers were not college graduates, but warm, responsive people, who did not mind sitting on the floor, who loved the kids, wanted to do what was best for them, and some of our poorest teachers turned out to be graduates of Jackson State.

Most importantly, the children gained because their parents began to realize their own worth and dignity, realized that they were important, and that they could effect things in their children's lives, and that was an immeasurable gain for many parents and children.

Mr. Bell. Mrs. Edelman, I appreciate your statement and agree with much of what you have said.

However, we do have budget limitations. What provisions of the child development legislation, under such a budget limitation, would you particularly stress?

Mrs. Edelman. As the bill raises them?

Mr. Bell. Yes.

Mrs. Edelman. I suppose I would start off by being unrealistic, because I think one of the——

Mr. Bell. I would prefer that you first be realistic.

Mrs. Edelman. Well, I will be realistic after I have been unrealistic.

I believe the children should have good health. I believe that children should have decent food. I believe they should learn to understand and respect themselves, their culture and environment, and their peers. I believe we should give them the chance, at the very earliest age, to begin to develop their full potential. Children need all of these things. It seems to me we are going to have to recognize all of the things that children need and not to choose between them. This is a very minimal bill—it is a very stingy bill in terms of the amount of money you are proposing to benefit children, $150 million for the first year, $500 million for the second year, and $1 billion for the third year—in terms of the needs that exist; that is a drop in the bucket.

In terms of the kinds of children who are out there who need these services, if there is limited money then we have to make choices on priorities and the really needy have to be taken care of first. That is the first issue.

Second, I think how to provide all of the services to the children who need them. I do not think we should decide whether we should give them food or health care or social services or education. They need all of those things, and if this program is to be successful, it has to meet these needs in a comprehensive way.

Mr. Bell. There are Federal child care programs: Head Start, social security, job care programs. Should this new program incorporate them, or be in addition to them?

Mrs. Edelman. I do not know what you mean by incorporate or in addition. I certainly believe any new spending of this money should be in addition.

There is a question of how to best coordinate services for children under various legislative authority. I think there is clearly a need to talk about a more consolidated approach to childrens' programs.

We should figure out ways of coordinating and working out some kind of centralized program in provision of services; but new money is required.

Mr. Bell. My time is limited, Mrs. Edelman, and I will submit other questions for the record, and hope that you will answer them.

Mrs. Edelman. I would be delighted to.

Senator Mondale. We are in the middle of a rule 22 fight today, and a filibuster which I am supposed to be leading. I will ask Congressman Brademas if he will be willing to chair the meeting at this session.

Mr. Brademas. Yes.

Senator Stafford. Since I am one of your spear carriers in the fight on rule 22, when you leave I shall probably have to leave also.

Mr. **Brademas** [presiding]. Mrs. Chisholm is recognized.

Mrs. **Chisholm**. Thank you very much.

It is always wonderful to see you, Mrs. Edelman, come up and testify. Somehow I get tired of seeing you, and yet at the same time I am glad to see you, because you come up to the Hill year after year, trying to impress upon us the importance and the value of the fact that children are the most important resource that we have in this Nation, yet somehow in terms of appropriations and budgeting, we have not really clearly gotten the message.

We are always speaking about children in terms of: We do not have enough money. There was one question I wanted to ask you specifically. You touched on the issue of whether or not child care delivery systems should be a part of the entire public school curriculum.

In fact, I think you mentioned that you were in favor of alternative options, and you felt there should be more flexibility. You may not be prepared to give all the answers here right now, but I would like to ask you to prepare a statement for insertion into the record.

Mrs. **Edelman**. I would be glad to, Congresswoman Chisholm.

This is one of the key issues, and I think we should think this through very seriously.

Mrs. **Chisholm**. Second, I recognized something during my premature bid for the Presidency a couple of years ago when I had the opportunity to travel up and down 40 States of this Nation.

One of the things that really disturbed me, that I think causes me so much concern, was the large numbers of children, both in the urban and rural sections of this Nation, who are not getting adequate health care, not getting adequate food, not getting any kind of supervision, because of the fact that their parents are working. There are not enough child care centers for these children to have their emotional and intellectual and physical needs taken care of.

One of the things I cannot understand about the U.S. Congress, of which I am a Member, is the low priority they have on our most important resource—human resources. This entire field seems to be at the bottom of our list of priorities.

Having said this, I would like to ask you this question.

What do you feel, as a result of your constantly coming up to the Hill year after year and testifying, could be done to impress the Members of the House of Representatives, who after all are the people's representatives, as to the importance of this matter in terms of dollars and cents?

The answer is always that we do not have enough dollars. We cannot do this, and we cannot do that.

How are we going to get this message across?

Mrs. **Edelman**. Congresswoman, I would urge that the issue is not a moral but a political one. I think child care advocates, in order to get decent appropriations for children, are going to have to make themselves felt politically, to make Congressmen and Senators aware that their votes on children's issues are going to be taken as seriously as other kinds of votes.

We are going to have to mold others into a firm political constituency to make ourselves effective. I think there are enough organizations—the civil rights groups, the woman's movements, and others—who should begin to build a very strong and political constituency.

I think that is what we have to be out about our business doing. I think we can present facts, and morally cohort you to do something, but I think now we have to make ourselves felt completely politically, and make people understand we mean serious business about changing things in this country.

I think it is out there, and we are just going to have to make ourselves heard.

Mrs. CHISHOLM. Thank you.

Mr. BRADEMAS. The Chair would simply observe that there is a substantial list of witnesses, and we have a very good attendance this morning, so I would ask the members of the two subcommittees to confine themselves to one or two questions.

Mrs. CHISHOLM. That is all I have.

Mr. BRADEMAS. I thank the Congresswoman from New York for her understanding.

I recognize the gentleman from Florida.

Mr. LEHMAN. Thank you, Mr. Chairman.

I have just two questions.

I look at this as much as an assistance to the working parent as I do to the children, because in meeting the people in my district I find them most anxious, the most frustrated, the most hostile people that I encounter are the working poor, and I think that is where we are going to really have to try to get some help.

If we do not do something about that, we are going to have serious troubles, and I would like you to react to that as an assistance not only to children, but to the working poor generally.

Mrs. EDELMAN. I think there are many people that benefit from this bill, I think one of the important features is the BLS standard as the minimum cutoff, because I think that gets us beyond the traditional kind of poor peoples programs.

I think there are a number of byproducts that are good, including the job opportunities working with children, but uppermost I think our final judgment should not be what is good for the poor people, not for teachers, who may benefit, but what is best for children.

Mr. LEHMAN. My second question: I was on a school board in Dade County for 6 years before I was here. I would like to see, as much as possible local educational agencies playing a strong role in this field, even if they are not given the contracts to run these centers.

I would like you to react to the public educational system throughout the country playing the strong leading role.

Mrs. EDELMAN. As I understood the prior bill, and this bill also, public schools are not excluded, any more than any other agency was excluded, and it was up to the local people to decide who best provides these services.

I would just say I am for continuing some role for public schools insofar as they are prepared to meet the kinds of principles set forth. I am very opposed, however, to saying we are going to put all of the major responsibilities of these services with the public schools.

I think their track record is not too brilliant. I think there are so many serious questions that are raised that we have to look at that rather strongly. But I would certainly give them a role, but not exclusively.

Mr. BRADEMAS. Mr. Cornell.

Mr. CORNELL. Thank you very much.

I notice in the bill reference to the continued involvement in the program of parents, and in your statement, you mentioned parents have a right to have a voice in how these projects which affect their children are operated.

I may be a little cynical after 34 years of teaching and administrating in schools, but does your experience indicate that parents will get directly involved in such programs?

Mrs. **Edelman**. They will if they are given the chance, Mr. Cornell.

Title I, I suppose, is our most instructive example, and we have a large number of problems with title I funds, but one of the byproducts which I think is probably the most important and lasting one, is that a lot of parents—thanks to you, Senator Stafford—have begun to raise questions, and understand that they have something to say about the public schools.

But the struggle is an endless one. Only a minority of parents are really taking the kinds of chances to exercise the kinds of things that I think are desirable. It is going to be very hard for parents to exercise control.

It is not always an encouraging record. I do believe, however, that parents are interested, that they want to do what is best for their children, that they want to get involved, and in some school districts where community schools have made it very clear that parents are welcome—they wanted to have them there, they seek them out, they have decent outreach—I have found that productive kinds of relationships between communities and schools have arisen; but unfortunately, they are a minority situation.

Mr. **Brademas**. Mr. Zeferetti.

Mr. **Zeferetti**. Thank you, Mr. Chairman.

Just an informative type of question: are there any provisions for standards of staff or facilities in centers where the children will be taken care of?

I think the type of people we are going to involve in child care, and the type of facility where the children are going to be, are important issues.

Mrs. **Edelman**. Nothing is more important than quality and standards. That is a crucial precondition to administering programs under this act, and I think one of the things that we have assumed that would be incorporated in this legislation would be very strong Federal standards setting up the quality care of all children which we required under this provision.

We have been working for years to try to strengthen the 1968 HEW requirements on child care standards, so that it is understood, and hopefully, nothing will happen here under this act without having adequate and strong assurance that Federal standards for quality care are going to be implemented.

Mr. **Zeferetti**. Thank you.

Mr. **Brademas**. Mr. Miller of California.

Mr. **Miller**. I might just make a comment in response to which you may shrug your shoulders.

When you look at the price on this bill, as was mentioned by Mr. Bell earlier, we have to be realistic; I think we also have to be realistic in assessing just what we are doing in other areas.

This bill is really asked to fund all of our inadequacies in the school lunch program, the maternal care program, the maternal nutrition program.

I think you only have to get involved for just a very few moments in a program like the WIC, where many children for the first time were provided with health screening, where for the first time in 2 or 3 years, or the first time since the child had been born, a child was found to be anemic or malnourished.

There are ways to serve children on waiting lists, to determine needs for them.

I think you have to add up all the deficits in all the other areas. We are not feeding all the children who are qualified for the school lunch program. We are not taking care of the health problems the children are having.

But then in day care we are trying to meet some of these needs, and we are told we are spending too much money.

Second, I would certainly endorse making sure that alternatives to the current school system remain open in this program.

I think one of the real values, in my personal opinion, of day care and Head Start, is that it has broken down the traditional barriers that have been maintained between family and school, between family and learning.

I think we have seen that the participants who have come out of these programs have had a deeper involvement, are questioning the traditional system in terms of what kind of return their child is getting.

I would certainly hope we do not turn this program over to those traditional delivery systems.

Mr. BRADEMAS. Mr. Hall.

Mr. HALL. Thank you, Mr. Chairman.

I would just simply make the observation that I think in all fairness to public education—as you say, this has not been their traditional role, and maybe it is a new ballgame for them—and also as a former teacher, and as a parent, we cannot always be truly objective about our own children, so I would like to take a look at some of the proposals.

I do appreciate your presentation. It was very fine.

Mr. BRADEMAS. Mrs. Edelman, at the outset, let me apologize for being absent for a period, but we have a meeting every week at this hour with the whips in the House, and I had to be involved in that.

It is a great pleasure to welcome you back at the same stand, as it were, on this legislation.

I have read your statement, and I must say I think it is one of the most thoughtful discussions of the need for legislation of this kind I have seen; I commend you for it.

I am much heartened by the widespread support in both the House and the Senate, and on the part of both Republicans and Democrats, for the kind of legislation we are here discussing.

I am hopeful that we can move expeditiously on this bill. I know that I share the view of Senator Mondale that we want to, in these hearings, hear from as many different persons as is humanly possible. Then we want to amend the bill under consideration so that we can really make a significant stride forward for children and their families in this country.

I have just one question to ask you, because I think my other questions have already been discussed.

In your statement with respect to the view that all child and family services should be located in the school system, you raise the question as to whether schools can either practically or legally administer a comprehensive program for children and their families.

You have, I think, alluded to some of the practical problems.

I wonder, inasmuch as you are a lawyer, if you could comment, Mrs. Edelman, on what legal problems you foresee in this respect.

Mrs. EDELMAN. In some States, there may be problems in the type of contractual relations that school boards can enter into. For example, can they contract to family day care providers?

There is some potential conflict between the kind of parent control this bill envisions and school board control under existing State law. Some of the school districts have laws prohibiting teachers from entering the homes of their pupils. There are some teacher contracts that prohibit that. I think that is a rather complicated question, and I would like to give you more specific answers after doing some further research.

I would like to do a State law check and come up with very specific kinds of issues that are raised for your consideration, in addition to the other reasons we could give.

Mr. BRADEMAS. We should be very grateful to you for doing that.

The gentleman from Vermont, Mr. Jeffords.

Senator STAFFORD. If you would indulge me, as the ranking minority member of the Senate subcommittee, Mrs. Edelman, I want you to know that you have two-thirds of the entire delegation of the State of Vermont in Congress present.

Mr. BRADEMAS. We are very pleased to have Mr. Jeffords as a member of our subcommittee.

Mr. JEFFORDS. Thank you.

Your statement was extremely interesting. I will pass any questions at this time.

Mr. BRADEMAS. The Chair wants to ask if any other members wish to put any more questions to Mrs. Edelman before we move to the next witness.

Again, Mrs. Edelman, we are very grateful for your testimony.

Mrs. EDELMAN. Thank you very much.

Mr. BRADEMAS. We are pleased to welcome now to the committee Ms. Carmen Maymi, Director of the Women's Bureau of the United States Department of Labor.

STATEMENT OF CARMEN MAYMI, DIRECTOR, WOMEN'S BUREAU, U.S. DEPARTMENT OF LABOR

Ms. MAYMI. Mr. Chairman, distinguished Congress persons, I am pleased indeed, to have an opportunity to appear before this committee today to discuss a matter which has had high priority in the Women's Bureau for decades.

However, I must point out that I have been invited here, not to support the bills under consideration, nor to critique them, but to express the concern of the Bureau and to share our thinking on the subject of child care services for working families.

Admittedly, there are many reasons why large numbers of children in the United States need day care. Illness or death of the mother, mental or physical handicaps borne by the child; the presence of emotionally disturbed persons in the home, poor family relationships, or poor living conditions are among the factors that place child care needs high on the list of national concerns. But the major demand for child care facilities stems from the employment of mothers outside the home.

There has been a steady upward trend in the number of working wives with children. Since 1960 the labor force participation of married women with husbands present and with children under 6 years has increased from 18.6 percent to 34.4 percent. The rate of labor force participation for women who were family heads, at 54 percent, was higher than that of wives, but has remained little changed for many years.

Almost 27 million children in the United States under the age of 18 had mothers who were in the labor force in March 1974. About one-fourth of these children were below regular school age, and required some kind of care while their mothers worked.

Since 1970, the number of children of working mothers had risen sharply by 1.2 million, while the total number of children in families has dropped by 2.2 million. These opposing trends can be attributed to the continuing long-term rise in the number of working wives, both with and without children, a declining birth rate, and an increase in the number of families headed by a woman which is due largely to a rising divorce rate.

While the labor force participation rates of wives with children rose significantly between 1970 and 1974, the absolute increase in the total number of children with working mothers occurred almost exclusively in female-headed families.

In March 1974, over 12 million children were in families where the father was either absent, unemployed, or not in the labor force. This figure is highly significant in view of the fact that in families headed by a woman, the median income in 1973 was only about $6,195 if the mother worked and only $3,760 if she did not.

These data point out that the need for child care facilities is acute now and that it will increase over the years. Latest estimates indicate that care in licensed centers and homes is available for only a little over 1 million of the children needing day care. By 1985 we expect that 6.6 million mothers, aged 20 to 44, with children under age 5 will be working or looking for work. The demand for child care facilities can be expected to increase accordingly.

The availability of child care is often the pivot on which a woman's decision to work or remain at home turns. Often it is the earnings of the mother that keeps the family above the poverty line and off public assistance. However, if she is unable to find good care for her children, a woman is usually forced to stay at home and depend on welfare allowance to support her children.

The problem is particularly severe for women heads of families who so often are poor. Of the 6.8 million families headed by a woman in March 1974, 32 percent had incomes below the low income level in 1973.

For families headed by a man the figure was 6 percent. The percentage of female-headed families with related children under 18 that were poor in 1973 was 42 percent for whites and 67 percent for blacks. Among families headed by Spanish-origin women 51.4 percent had incomes below the low income level in 1973.

Much as we deplore these conditions, we must not be tempted to seek out easy solutions in order to get families off relief rolls and on to payrolls. It is unfair to the child and self-defeating to a society concerned with a healthier, more intelligent, more productive population in the future, to settle for mere custodial care, or worse—substandard care for our children.

When quality care is not available, we can hardly blame the family that chooses to live in poverty rather than subject the children to experiences that could retard their development and mar their future.

Many families are reluctant to leave young children in the care of aging grandparents, or of brothers and sisters who are only slightly older. Some feel that care in day care centers or the homes of others may separate the child, emotionally, from his or her own family, and still others fear that being parted from the mother is damaging to the emotional stability of the young child.

Clearly these attitudes argue for working parents' involvement in the care of their children by others. Parents need to know the kind of care their children receive, something about the persons who give that care, and the physical surroundings in which their children will spend the better part of their days.

Concerned parents want to be able to work without having to worry about their children, and mothers, in particular, want reassurance that they need not feel guilty about leaving their children in the care of others. Parents also want to be sure that the child's sense of the importance of his or her own family is strengthened and that the experience in the day care settings are consistent with the child's background and with the parent's values.

This last point is of particular concern to minority parents. Spanish-speaking, American Indian and black families want their children to develop a sense of pride in their cultural and racial or ethnic background. They look to the child care center or the family child care home to substitute for the extended family which is rapidly becoming a thing of the past, supplanted by the small nuclear family.

The child of a working family is not the only one to benefit from good day care. The parents also gain. The welfare mother, of course, is freed to acquire training and a job. But it is a mistake to think of day care exclusively as a welfare measure.

Middle class women, struggling to provide their families with an adequate standard of living, can enter the work force as they see fit, and women with professional and technical skills can continue to contribute those skills to fill the needs of our society in the area of health, science, business and industry, politics, and other fields.

Day care, in fact, is a boon to woman of all economic levels who want the freedom to choose for themselves their own lifestyle and decide for themselves how they can best contribute to the well-being of their families.

There are also many fathers for whom child care is a necessity. Often they are divorced, or separated from their wives and responsible for the children. In other cases the mother may be ill or incapacitated in some other way.

Society, too, benefits from a day care system that assures the positive development of future generations and at the same time makes available the skills and capabilities of a large segment of our human resources.

Many imaginative approaches to the problem of day care have evolved in recent years. A noteworthy trend toward union operation of child care centers was begun by the Amalgamated Clothing Workers of America. Baltimore Regional Board has six child health care centers. These centers are financed primarily by the employer contributions to the health and welfare funds administered by both the union and the men's clothing industry. The Chicago Regional Joint Board of the same union also operates a child care center.

There is also a growing trend toward the establishment of day care centers by employers who find it advantageous to have child care facilities in or near the workplace. In a survey of hospitals with 100 or more beds in 1968, the Women's Bureau found 98 hospitals operating day care centers for children of staff members.

Today there are at least 30 more hospital day care centers, although it is possible that a few of the original group have closed.

Officials reported that having such services made it easier to recruit and retain nurses, resident doctors, and other health workers.

In addition, the provision of day care for their children permitted some personnel to work full time instead of part time, or to work overtime; shift rotation was facilitated, and there was a reduction in absenteeism.

Similar benefits were cited by employers in other industries surveyed by the Women's Bureau for its bulletin, "Day Care Services: Industry's Involvement."

We know of about 10 company-sponsored centers now in operation. In addition, there are at least two industry-consortium operated centers; one of which is in Minneapolis.

Well over 400 universities operate child care centers for the children of faculty, students, and other personnel. And, of course, a few Federal agencies, including the Department of Labor, operate centers for the children of their employees.

I would not say that one of these approaches is more valuable or more successful than any other. Each meets a particular type of need and it is important that we have this diversity—that parents have a choice.

It is important, too, that "day care" be broadly interpreted. Not all families need or want the same kind of service. Many need only programs that provide after-school care; some need a full day's care for their children; while others can manage with part-day service. Some, who work nights, require a place where their children can be cared for overnight. Many prefer licensed family day care.

I appreciate this opportunity to share these thoughts with you, because quality care for the Nation's children is of vital concern to all our citizens, whether or not they have children; whether or not they are workers.

Mr. **Brademas**. Thank you, Ms. Maymi, for a most thoughtful statement.

In looking through your statement I was struck by a number of points that you made that I would like to take the liberty of simply rattling off very rapidly. They seem to me to be some of the highlights of your testimony and I regard them as especially significant because of your responsibilities as Director of the Women's Bureau.

One of the points you make is the steady upward trend in the number of working wives with children, and the very sharp increase since 1960 in the percentage of the labor force of married women with husbands, and with children under age six.

Second, you point out that the data show the need for child care facilities is not only acute now, but will increase sharply over the years, and you note that by 1985, 6.6 million mothers, aged 20 to 44 with children under 5 will work or be looking for work, and the demand for child care facilities can be expected to increase accordingly.

Third, I think an important point is that women who are unable to find good care for their children may be forced to stay at home and depend on welfare.

Fourth, you make the point that it is unfair to the child, and self-defeating to society, to settle for mere custodial care or, even worse, you say, for substandard care.

Five, you note the importance of working parents' involvement in the care of their children, and that is, of course, central to this legislative proposal.

Six, you note that good day care is important, not only to the children, but to the parents.

Seven, that day care is not accurately thought of exclusively as a welfare measure, but it is important to female and male parents at all economic levels.

Eight, you make the point, after having reviewed a number of approaches to day care, that each meets a particular type of need, and that we need diversity so parents may have a choice.

Finally, you make the point that day care should be broadly interpreted, and not confined to one specific definition.

I find these all very perceptive and persuasive points, and I thank you for highlighting them.

After that observation, I just have one question to put to you, Ms. Maymi. I wonder if you can comment on one of the issues we have to consider; namely, your view of the role of proprietary or profitmaking institutions in supplying the kinds of child and family services contemplated in this field.

In your view, is it appropriate that such kinds of institutions receive assistance under this bill?

Ms. **Maymi**. I think, as I have pointed out, the trend is toward the involvement of all persons responsible in society for providing support assistance to working families, so that means unions and employers, and social service agencies are all coming together in order to develop the support system to the working family, and especially working mothers.

In all those models that we have discovered, of course, there is the financial involvement to a degree of the industry or the union or the private agency, but also there is the equal involvement financially of parents who need to assist in supporting this kind of program.

The problem in all cases has been the lack of funds, and the fact that in order to keep the centers open, there always has to be a struggle.

In the ones that are now in operation we find that survival from one year to the other depends on the voluntary wishes of whoever makes the decisions about money. We feel that in order to increase the support, there should be some kind of incentives.

There are some incentives for private industry; for example, some tax exemptions for providing facilities for child care in the working place, but I think that the models are more innovative.

They would involve the voucher system, where employers provide certain allowances for the care of the children of the employees outside in the community, or it could be also an arrangement with private centers, where employers and unions will share in the costs of child care.

So that, then, I think we need to encourage participation of all elements in our society so that we can eventually take care of this huge need that cannot be solved by only involvement of Government.

Mr. BRADEMAS. Thank you very much, Ms. Maymi.

Senator Stafford.

Senator STAFFORD. Thank you, Mr. Chairman.

Ms. Maymi, I enjoyed your statement, too, and I think it is very helpful to this subcommittee.

I noted your disavowal in the first paragraph about the legislation before the committee, but let me ask you if you are in any position on behalf of the Department of Labor to indicate whether the Department supports, or takes a hands-off attitude so far as S. 626 and the companion House bill are concerned?

Ms. MAYMI. I am not prepared to represent the position of the Department.

Senator STAFFORD. I am not surprised at your answer at this point in time.

I note on page two, near the bottom, you say: "Over 12 million children were in families where the father was either absent, unemployed, or not in the labor force."

My question here is: is that situation which you refer to broadly across the country, or is limited to urban areas, or to rural areas?

Ms. MAYMI. These are national figures, and we can very well generalize that this is the situation in small communities as well as large communities, where the women are not only participating in the support of the family, but also increasingly assuming full responsibility for being head of the family.

Senator STAFFORD. One final question. On the first page of your statement you referred to the steady upward trend in the number of working wives with children. Could you comment on what impact the current unemployment rates might have had on the percentage of working mothers in the work force?

Ms. MAYMI. Obviously unemployment has affected all workers. I have some figures that show us that in March 1974, there were 35,321,000 women 16 and over in the labor force, including 33.2 million women employed, and 2.1 million women unemployed.

In January the number of women in the labor force increased by 1.1 million to 36.4 million, of whom 32.9 million were employed, and 3.5 million were unemployed, so we see unemployment is affecting the women.

We are concerned that it is affecting us in a disproportionate manner.

Senator STAFFORD. Thank you very much, and rather than take more of the subcommittee's time, in view of the number of witnesses, Mr. Chairman, I will ask the witness if she would submit for our record the urban and rural breakdown on matrimonial statistics.

Mr. BRADEMAS. I might say, Ms. Maymi, Mr. Bell of California has asked me to submit to each of the witnesses a list of questions to which he would appreciate replies in writing.

Ms. MAYMI. Certainly; I will be happy to.

Mr. BRADEMAS. Of course, the answers benefit the subcommittee, as well.

Mrs. Chisholm.

Mrs. CHISHOLM. Thank you very much.

Of course, as we attempt to put together a comprehensive piece of child care legislation, one of the purposes of inviting all the witnesses here is to get their viewpoints, or suggestions.

On page one of your statement, you indicate that you "have been invited here, not to support the bills under consideration, nor to critique them, but to express the concern of the Bureau and our thinking on the subject of child care services for working families."

Your statement is a very good statement. It gives us the statistics and figures, and we usually need statistics and figures in order to be able to substantiate what we are trying to legislate.

But, as Director of the Women's Bureau—the Bureau that has the responsibility for the needs and aspirations, and some relief, if you will, for the thousands of women in this country—it is very hard for me to ask you about 10 or 11 questions which I wanted to ask you for the record if you are not here to support the bills, because my questions deal specifically with certain aspects of the bills.

What I would suggest to you, Ms. Maymi, I would submit to you a list of questions, and then maybe at some time you could answer those questions only in light of being able to help us to put together legislation that is going to be very meaningful and relevant to the thousands of women who do seek relief via the Women's Bureau.

Ms. MAYMI. I would be very happy to receive the questions.

Mr. BRADEMAS. Mr. Cornell?

Mr. CORNELL. For the moment, I like to assume the position perhaps of what you might call a devil's advocate. It is not quite an appropriate role for me.

[Laughter.]

The figures that you have given here, even though you say do not speak, of course, for the Department of Labor, would certainly indicate the need to expend considerable additional funds for child care centers.

My question is this: Would it not be better, instead of using funds for such child care facilities, to spend more in some program that would exclude the necessity for the extension of child care, and make it possible that there be more time, shall we say, and more opportunity, for parental care, such as, for example, comprehensive revision of our welfare system that would supplement our income in a form like negative income tax?

Ms. MAYMI. I certainly would express the Department's view of this position that we are cognizant of the very great need for child care for working families, not only for working women.

I am not prepared, however, to recommend one alternative over the other. We just have to keep in mind that because of the tremendous increase of the number of women who work full time in the labor force—and who will continue to work—that that choice needs to be open to all persons. We must not assume that a parent must stay home with the children when many other options need to be open to them.

Mr. CORNELL. Do you feel, though, that parental care—more opportunity for parental care—would be more beneficial than additional child care centers?

Ms. MAYMI. I think that the parents need that option to decide among themselves which type of care they would like to have, but I think that we have lived in this society which always assumed that a woman would have to stay home in order to take care of the child.

Consequently, we are in this kind of bind now, of not having many options when women are forced to work outside their homes, and there is still no support for that family in terms of adequate care for the children.

Mr. CORNELL. Thank you, Ms. Maymi.

Mr. BRADEMAS. Mr. Zeferetti.

Mr. ZEFERETTI. Thank you, Mr. Chairman, but I have no questions.

Mr. BRADEMAS. Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.

Ms. Maymi, I am somewhat disappointed that as an advocate within the Department of Labor you are not here to express the view of the Department on the legislation, since I think the figures that you represent certainly lead us to conclude, and unfortunately, you are not able to represent that conclusion, there is a need for this legislation. We had also hoped to hear your criticisms of the legislation.

I have just one question. On the bottom of page 3 you say, "We must not be tempted to seek out easy solutions in order to get families off relief rolls and onto payrolls."

You also say we must be careful not to settle for mere custodial care, or worse, substandard care for children. You are not implying that this legislation will create substandard care?

Ms. MAYMI. No; I was not alluding to that.

Also, I would like to comment that the invitation was extended for me to come personally, No. 1, as an advocate of women and working mothers in the country, and also as a person who could assist this committee to emphasize the tremendous need for child care.

It was my understanding that the kinds of statistics that we would share with you would certainly assist you.

Mr. **Miller**. I think your information has been very helpful. Perhaps you can answer these questions concerning specific legislation, which we will direct to you.

Ms. **Maymi**. Yes.

Mr. **Brademas**. Mr. Hall.

Mr. **Hall**. Thank you, Mr. Chairman. I have no questions.

Mr. **Brademas**. Mr. Jeffords.

Mr. **Jeffords**. Thank you, Mr. Chairman. I would like to ask a question with respect to your statement on page 3.

"The availability of child care is often the pivot on which a woman's decision to work or remain at home turns."

I would like to find out more about the woman who does not have a husband or a man in the family. I know there has been considerable discussion this past year about the person on welfare who gets more money being on the welfare rolls than the person who is working.

I wondered if you agreed with that judgment, or if you have any knowledge as to how that affects the decision to work, and whether it is a significant factor?

Ms. **Maymi**. From the point of view of the Department of Labor, and our experience—not with the welfare system, but with the training and employment of women workers—we have found that when programs have been offered with adequate training provided, as well as good child care facilities, and child care alternatives are offered, women not only tend to stay on the job, but also they tend to lead very successful involvement in the work force.

We found that women and men who have adequate child care are absent less often. We found that they stay in the training programs during the duration of the training, and this is why in the Department of Labor we have developed this model, with the intention of providing for employers the type of model that they could replicate, where the employee effectiveness and the employee's ability to work would be improved.

Mr. **Jeffords**. Talking about models, what about general availability of training for women on welfare? Is it sufficiently available, and perhaps the availability of training opportunities is the critical point rather than the availability of day care centers?

Ms. **Maymi**. I did not quite understand.

Mr. **Jeffords**. Assuming training is available, is it possible for women in this situation to get employment?

Ms. **Maymi**. Training and job opportunities, of course. As you know, because women are in need of work there are programs that are emerging in the country, such as women's referral centers, in order to assist them to find the proper training, the proper job opportunities, in many cases to train in nontraditional areas of employment, such as apprenticeship trades.

They are establishing outreach programs to guarantee that women will be participating in this area.

However, if the adequate support system, such as child care, does not exist, then the woman really does not have this option to participate.

Mr. **Brademas**. Mr. Pressler?

Mr. **Pressler**. Thank you.

Excuse me if you have already covered this, but why are you not giving the Department of Labor's position?

Did you attempt to get your statement cleared by the Department, and did succeed, or for what reason can you not speak for the Department of Labor this morning.

Mr. MAYMI. No. 1, the agency that would be reviewing and technically commenting on the bill would be HEW, which has expertise, and this kind of responsibility in Government.

I think also, the invitation as it came to me, was not to come representing the Department of Labor's views, or the administration's, but to come as a friend who could assist this committee in, I suppose, underlining the need for child care; and I think that I have done this.

Mr. BRADEMAS. Will the gentleman yield?

It is my understanding that in addition to what Ms. Maymi has just said, that HEW has requested to testify later concerning this legislation.

Mr. PRESSLER. I have no further questions.

Mr. BRADEMAS. Ms. Maymi, again we want to thank you very much for your most helpful statement and your replies to our questions.

Ms. MAYMI. Thank you, Mr. Chairman.

Mr. BRADEMAS. We are pleased to call next on the distinguished Governor of New Mexico, Hon. Jerry Apodaca. Welcome to the committee.

STATEMENT OF HON. JERRY APODACA, GOVERNOR OF THE STATE OF NEW MEXICO, AND CHAIRMAN OF THE EARLY CHILDHOOD TASK FORCE EDUCATION COMMISSION OF THE STATES

Governor APODACA. Thank you very much, Mr. Chairman and members of the committees.

I think, Mr. Chairman, that the committee has received a copy of my remarks. In the event the copy is needed, I will have it here for the committee.

I would like to do what I do in New Mexico, and just expound briefly on the statement, then hopefully yield to whatever questions you and members of the committee might have.

Mr. Chairman, shortly after taking office as Governor of New Mexico, I was asked to serve as chairman of the Early Childhood Task Force of the Educational Commission of the States.

I very willingly agreed to do so, in spite of the fact I knew in the early months of my administration I would be faced with many problems within my own State.

I, for a long time, have agreed with many people, Mr. Chairman, that education really is the future of this whole country, and of our young people in it, and I further agree with the course the members of the Early Childhood Task Force expressed, that the early years of a person's life makes so much difference in what their whole future might in fact bring them.

For that reason, Mr. Chairman, I am here before the committee this morning in support of the proposed legislation that your committee is now pondering.

I think this piece of legislation very clearly deals with the problems of a child at an early age. Most psychologists I think are willing to admit that sometime by the age of 6, at which time we bring our children into our public school, or private school systems, there have been some wasted years.

I think what this proposal would do, Mr. Chairman, and what our task force would totally support, are some very basic things. I think all of us agree that we have to strengthen the role of the family, to question the whole concept of early childhood development, and to evaluate the handicaps of young children.

I think we need to work very diligently for remedial programs as they deal with these specific and individual problems.

We have to develop the role of the family, Mr. Chairman, if we are going to deal with the problems that really exist.

We have to learn to involve the parents, but involving the parents means educating them properly. We cannot compound the problems of the family that is already being deprived of educational opportunities by ignoring the role of the parent, and ignoring the responsibility that we have toward the parent in making that parent capable of dealing with his own children.

This proposed act, Mr. Chairman, includes the very obvious requirements of any legislation that deals with child care, including health care, nutrition, legal services, education for the parent and education for preschool children with special needs.

I think that last one, Mr. Chairman, obviously can include a multitude of things from economic deficiencies to language barriers, and many, many other factors.

Mr. Chairman, studies have clearly shown that approximately 35 percent of the children at age 4 show some sort of behavioral difficulty. Studies also indicate by age 6 these difficulties could well develop into learning handicaps.

So I think that it is incumbent on those of us in public office, to recognize the problem, to deal with it, and to provide some leadership in dealing with early childhood education.

I think that this program, Mr. Chairman, more than anything is going to call for real partnership between all levels of government, starting with the Federal level, State and local districts, of course.

There are many States that have acted wisely on the whole question of early childhood development. There are others that are now on the fringes of beginning. I think with a little extra push from Congress. I would hope that in the next few years, programs for early childhood development would be implemented very rapidly.

Mr. Chairman, with those very brief remarks, I will be glad to answer any questions.

Mr. BRADEMAS. Thank you very much, Governor Apodaca, for your statement.

Naturally, as a sponsor of this legislation, I am gratified to know that the task force of the Education Commission of the States endorses, as you suggest, the objectives and basic concepts embodied in the bill before us.

On page 6 of your statement, you note that 16 States have a mechanism to plan and coordinate service delivery.

I take it you mean delivery of services for families and children, because later you say that in 11 additional States there are State offices of child and family services, and I am not clear as to the distinction between the kinds of mechanisms represented in the 16 States and those represented in the 11 States.

Governor Apodaca. Mr. Chairman, I think this basic difference would be that the 16 States—and that number might vary somewhat, depending upon the timetable—have indeed implemented programs that have long identified the problem areas, and are now in the process of dealing with these problems.

I think in the 11 States I referred to in my prepared statement, these offices have been created either by executive order of the Governor or by the legislature, or simply by private organizations, where the programs are not totally identified, and the services are not really being provided at this time.

In many cases, this is obviously because of lack of funds.

Mr. Brademas. To what extent would you say, as Governor, the States have made commitments of State tax dollars to support the kinds of services contemplated in this legislation?

Governor Apodaca. Mr. Chairman, I think that it varies.

Very frankly, I think many States are feeling the pinch of many Federal programs that have been very worthwhile, and that they are trying to pick up at the State level.

I think where it involves school districts, most States are doing a more than adequate job in trying to meet their responsibilities.

Outside of the responsibility itself where the services might have to go into some other agency, I think the States are able to do very little.

Mr. Brademas. My general impression has been along those lines, but I think it is true in a number of States there are not even kindergarten services provided, and I make this point for two reasons.

First, I have been somewhat skeptical of the commitment of a number of State leaders—unlike yourself, I hasten to say—to provide services to children and families from State tax dollars. Second, at the same time—welcome what appears to be an increasing interest on the part of Federal Government leaders in doing so. I am gratified by your statement on the one hand, but I maintain an open-minded skepticism with respect to what ought to be the appropriate role of the State in implementing this kind of a program.

To put it in plainer English, I would be more sympathetic to an increased role for the States in administering funds under this kind of program were there a more positive record of previous or current State commitment from State tax dollars to the provision of such services.

That is just a rhetorical observation on my part, and if you have any comment, please feel free to make it.

Governor Apodaca. No, I can appreciate your concern, Mr. Chairman, on the lack of commitment that has taken place, frankly not only at the State level, but even the local level.

Mr. Brademas. Yes.

Governor Apodaca. So we would hope that by initiating this act here in Congress perhaps the momentum and the commitment to the problems might be initiated.

Mr. Brademas. Ms. Chisholm.

Ms. Chisholm. Thank you, Governor. It is good to see you.

Your testimony indicates that the first 6 to 8 years of a child's life are very, very important, and if children are in an adverse position culturally, in an adverse environmental setting that might be detrimental in terms of their intellectual and emotional growth. The State that you govern, New Mexico, has 64 percent of your Chicano families headed by females, as contrasted to approximately 48 percent of the poverty stricken families headed by Puerto Ricans.

What is your feeling with respect to bilingualism in these centers if, indeed, we are to reverse so many of the conditions these youngsters have to face in these settings?

Governor **Apodaca**. Mr. Chairman, Representative Chisholm, I think the question is one that should raise concern.

Let me tell you the situation that I saw in New Mexico one time where even though the population in the particular school district was only about 20 percent Mexican American, the enrollment in the special education classes that were held within one facility of that district was something like 85 percent Mexican American in special education classes.

The conclusion had to be, then, if that were true, for whatever reasons, Mexican Americans have a higher percentage of learning disabilities than the other ethnic groups.

The fact was that the learning disability was the language barrier and not any emotional or other mental learning disability.

I think those percentages of enrollment, or percentages of school population, had to be alarming and had to raise those questions.

I think that is very much a problem area that any State with a large ethnic group which uses another language besides English as their primary language, has to deal with.

I think that our State is dealing with it. We are dealing with it, I think, more and more every day. The problem is, at this point, we are dealing with it in isolated areas in a minimal percentage in relation to the young people who could use the assistance, and frankly not until, in many cases, the young child is either in kindergarten or in first grade.

A product of that type of training at an early age is now beginning to surface in our State because delivery programs have now operated there for about 12 years—not quite, but pretty close to that.

If I may speak to my State for awhile, we have about a 30- to 35-percent Mexican American community. We have about a 6- to 7-percent Indian community varying from Pueblo to Navajo to Apache, and about 2-percent population of black.

In many of these areas, it has been discovered that any time language assistance can be provided at an early age, where the primary language is utilized to help the young child develop English, it is working remarkably well.

So, even though we do not allude to it in our prepared statement, specifically, I think that in those areas where a second language is very much in evidence, one must consider that as part of the program.

Ms. **Chisholm**. Thank you very much.

Mr. **Brademas**. Mr. Jeffords.

Mr. **Jeffords**. I understood Mr. Brademas' questions on State priorities, and I wonder if you would give your views as to why the States do not give higher priority to child development programs.

Obviously States have the authority to establish priorities.

Is it a lack of belief that people should have a higher priority?

Is it a failure on our part as leaders to acquaint States with the need for these programs at that age level?

Governor APODACA. I think, first of all, there is a late recognition. I think it is only in the last maybe 10 years that people in the field of education, and psychologists and people in those areas of concern, have really begun to express opinion and reasons for working with children at a much earlier age, beyond the age of 6.

I think, about the same time that this happened, there was a tremendous impact on our schools; for example, in the early elementary grades.

I think now all the records clearly indicate a decline in enrollment at those early levels of first, second, and third grade. I think States can now begin to reevaluate their priorities, and that with additional help the emphasis can be there.

Frankly, I think legislative bodies, and executive offices at the Governor's level, have now begun to realize the impact of education. I know when I first started 8 years ago as a member of a committee on improvement of education, my philosophy was to improve what we have in New Mexico. I was rather resistant to starting spending money somewhere else.

It did not take me very long, however, to change my attitude that this should begin far before grade 1.

Mr. JEFFORDS. I would like to know what you have in mind for your State as far as programs and dollars for the future in reestablishing your own priorities.

Governor APODACA. First of all, we are in the process of implementing a statewide kindergarten system in New Mexico, which, as yet, we still do not have. Our target date is 1977.

We need to prepare for it in many ways, not only by financing, but by making sure that we have a sufficient number of teachers available for the kindergarten program.

We also hope to expand day care centers, which directly assist families, most of which are economically deprived.

Those are two areas that we hope to deal with.

We are now working very diligently to try to identify the number of units or the number of children with special learning disabilities so that we can improve our special educational opportunities.

We are consistently expanding our appropriations for bilingual education which have grown by significant percentages in the last 2 years and, hopefully, will continue to expand them.

I think those are three areas in our State we are prepared to make that commitment to, and I just cannot help but feel that other States, of course, will very much feel the same way.

Mr. BRADEMAS. Mr. Lehman.

Mr. LEHMAN. I yield back the balance of my time. It is a privilege to have the Governor here.

Governor APODACA. Thank you.

Mr. BRADEMAS. Mr. Cornell.

Mr. CORNELL. Governor, I noted in your written statement, the thrust of it, at least as far as I could see, stressed the importance of a family, and if I might just quote you, you said:

> The family is the most crucial factor in early childhood development. The family is the most effective and logical system for delivering to young children the educational and developmental stimulation which will influence their later lives.

Then it is pointed out nearly 99 percent of our funds is expended to prevent dissolution of the family. The costs of raising a child to age 18 in institutions in these other categories is $120,500, three and a half times the estimated cost of raising the child in his natural home.

I presume from that that you think that there should be substantial stress in a program of this sort—and, of course, we are dealing with child and family services—on such things as family counseling and educational programs, training for parenthood, et cetera.

Governor APODACA. Mr. Chairman, if I might equate that attitude with what family situations may be, one of the important things is to develop an ethic of education within families.

Congresswoman Chisholm alluded to the high percentages of Mexican-American families which may be experiencing economic difficulties in my State.

Oftentimes, when a parent of a child has come to a system in which it was to his or her advantage to drop out of school to go earn a living, and maybe to improve their economic lot very little, it is very difficult for that parent oftentimes to understand the value of that child's going beyond the educational level that they have reached.

For that child to receive the encouragement that he or she needs as they go about their educational years, it is important that the family be convinced—and we are talking now about the parents or the parent—that continuing education is such an important part of the development of a young child. If the parent has the same opportunities in a different level, then I think the family can almost improve together—the 4-year-old with the 20-year-old parent; the 5- or 6-year-old with the 25-year-old parent.

That is why, in New Mexico, Mr. Chairman, we are now in the process of developing what we call a total educational plan. We are talking about education from whatever age you choose to take it to whatever age you choose to end it, because I think that is the only ingredient that is going to improve a family situation.

I do not think we can deny children. My five children, as an example, even though they are Mexican-American, have so many more opportunities than the five children of a farm laborer who also might happen to have the name Apodaca.

So that I think family opportunities are a great part of it.

Mr. CORNELL. To be very specific, would you agree that the preservation of the family is probably as important as any other possibility you can think of as far as child care is concerned?

Governor APODACA. Mr. Chairman, I have never appreciated that as much as I do now.

I went through an extensive 12-month campaign to get elected Governor. At that time, it kept me consistently away from the family environment to a point where now in my administration, I will not encourage or even pursue any goal in my administration where I can see that it is going to cause some sort of diffusion in the family unit, because I think when everything else goes wrong, that is the only thing an individual can still hold onto. I would hope that it improves the lot of a family, if we can pursue some of these objectives.

Mr. CORNELL. That is one area, is it not true, which the States and local communities have been more active in?

Governor APODACA. I think so.

Mr. Cornell. In regard to marriage counseling and things of that nature?

Governor Apodaca. I would agree.

Mr. Cornell. Thank you, Mr. Chairman.

Mr. Brademas. Mr. Zeferetti.

Mr. Zeferetti. Thank you, Mr. Chairman.

Governor, at the bottom of page 6, you make reference to a sentence here, "We are concerned with some aspects of legislation as introduced. I refer specifically to the question of prime sponsors."

Would you touch on that a little bit for us?

Are we talking about the role of finance?

Are we talking about the role of responsibility between the States and the Federal grants as prescribed by this piece of legislation?

Governor Apodaca. Yes, I think the concern is what the role of the State would be in the whole program.

I think that is precisely what our concern would be. We want to be sure that the State in this particular case has a major role in the functioning of the program.

Mr. Zeferetti. One of the questions, I think, brought forth by the chairman earlier was the question of whether or not—or I should say what role the State should play in the area of finances, whether there were any discussions or observations or certain recommendations that the 16-State task force might have in that area.

Governor Apodaca. I think the States have participated financially, very much so. I think this should be a joint effort.

I think if the State is not willing to make its financial commitment, then it is essentially saying to Congress that it does not deem the program to be that important. I think State governments should share very much as they do in many other areas.

Mr. Zeferetti. Thank you.

Mr. Brademas. Mr. Miller.

Mr. Miller. Thank you, Mr. Chairman.

Governor, it seems to me that your statement is saying that it is wise to invest money to maintain the family element and to help the child out, since over the long run we will get a return in terms of less juvenile delinquency and less breakup in families.

Is that a correct summary of your viewpoint of the task force?

Governor Apodaca. Mr. Chairman, I think I can best answer that question by saying that I have just delivered my state of the State to the legislature on the opening day of this session, and in New Mexico we happen to have, as in many other States, a substantial surplus in State funds.

Unfortunately, you cannot invest surplus for ongoing reasons because, in a year or two, you are going to be faced with the dilemma of either raising taxes or doing away with programs.

I think the comment that I made to the legislature was that you needed to return that money to the taxpayer in the form of services rather than in the form of rebates, because every dollar that we spend in education should be looked at as an investment rather than an expenditure. I feel very sincere about that.

That is why I think it is an investment, and the earlier we make an investment in that child, I think the bigger the savings will be at a later date.

So I can see no other way of looking at it. Every dollar we spend on that 4- or 5-year-old or on the related family is going to give us back many returns. But, more important, it is going to bring that family and that child many more returns.

Mr. **Brademas**. Mr. Pressler, who is a cosponsor of the bill.

Mr. **Pressler**. Yes; I am the only member of the minority party here, but I do support and cosponsor this legislation.

I want to touch upon one thing that may be analogous in your State and mine. That is the problem of the small town on the Indian reservation.

I have three Indian reservations in my district.

I was just there and visited several small towns on and off the reservation with populations of just less than 200.

These programs are just not being delivered in those towns, nor can any other Federal program be implemented.

What can we do about that?

Governor **Apodaca**. Again, I think a great deal of the problem is lack of commitment by the people directly involved.

I think the way we are going to try to deal with it, Mr. Pressler, and that is the best way I can explain, is to involve these people that are affected in our administration at a very early stage. They will be sitting on a committee of two or three or four, so that a major role is played by the people who need the services, so that they can have confidence in what we are trying to do.

Again I think it is a lack of information by the people affected as to what is available, why it is important, how it can help, and why it is not influenced.

When we are dealing with groups, with ethnic groups, whether they be Mexican-American, Indian, or black, or whatever? Many times we are dealing, particularly in the case of the Indian, with traditional habits and some traditions that maybe they are reluctant to change.

It takes a considerable amount of consultation, education, and involvement. But I think if we involve these people at a very early stage rather than impose a program on them, I feel they are going to be much more receptive to the service itself.

Mr. **Pressler**. In terms of the matching requirement in your State, if you do not get the Federal money, what are you going to do in your State?

Governor **Apodaca**. Obviously we will do the minimum probably that we need to do, but we will do some.

I think that is the best way to encourage assistance from Congress, to show that you believe enough in a program to make that commitment.

But, very frankly, there are limited funds in the State budget. So the program will simply be 10 percent as successful, or whatever percentage.

Mr. **Pressler**. But, in terms of reorganizing priorities all the time, if you had to recognize the efforts to match Federal money, where would you get the money?

What programs would suffer?

Governor **Apodaca**. I am not sure any one program would suffer. We have done things in New Mexico despite the unemployment problem, like putting moratoriums on major agencies until we are satisfied those number of employees are needed.

I do not know that any one area would be identified as the one that would suffer. I simply think that State governments need to be economically sound, and one of the things that we are using in New Mexico from day-to-day is quality employment.

We are asking our State employees to develop the attitude that they are not working for the State of New Mexico as a last resort; rather, because they have some pride in why they are there, and what they are trying to do.

I think by encouraging that attitude we hope to get maximum effort from maybe a fewer number of people. Even though it may add to the unemployment problem to some degree, I simply think that by being cautious in those areas we can release more funds for education.

Mr. **Pressler.** Thank you very much.

I have no more questions.

Mr. **Brademas.** Governor, thank you very much indeed. We are very grateful to you for having taken the time to be with us.

We have two remaining witnesses. We would like to hear, if possible, from both of them.

Dr. Mindlin, we are delighted to have you with us.

If you could perhaps summarize your main points, we might then be able to ask you some questions.

STATEMENT OF ROWLAND L. MINDLIN, M.D., CHAIRMAN OF THE COMMITTEE ON INFANT AND PRESCHOOL CHILD OF THE AMERICAN ACADEMY OF PEDIATRICS

Dr. **Mindlin.** Thank you.

I do not have to describe to this subcommittee the American Academy of Pediatrics' advocacy for children.

We support this legislation. Our interest in this legislation stems from a long-term commitment as individual pediatricians and as an organization concerned with the health and welfare of children.

We recognize that that goal cannot be accomplished by medical care alone. It is true that without good health, our children cannot flourish, but health is more than merely the absence of disease, and it is not achieved merely by the treatment of recognized illness.

Health is good nutrition. Health is a nurturing environment. Health is enhanced by strong family structure.

To its credit, this bill places emphasis on the family. Quality day care is good care for families. In our 1972 "Policy Statement on Day Care" we said, "Day care services should be a supplement to, not a substitute for, the family as a primary agent for the child's care and development."

You have kept this precept in mind in the construction of the bill. Parental involvement is quite properly mandated. I would urge one note of caution which may be recognized in the regulations rather than the law.

Section 102(c)(3) stipulates that assistance should only go to a program that "provides for regular consultation with the parents * * *." This should not be permitted to become a vehicle for the exclusion of so-called undesirable children whose parents, for whatever reason, may be unable to avail themselves of the opportunity for that consultation.

The scope of services authorized in section 102(b) is sufficiently broad. The policy statement of the academy that I referred to before emphasizes:

> To meet all the child's needs, day care services should provide the following:
>
> 1. A means for children to enrich their experiences when away from their parents, and for parents to share in the broadening experiences of their children.
> 2. An opportunity for children to explore and learn at their own speed, in a safe environment, and for parents to understand the developmental needs of their children.
> 3. A vehicle for helping families to secure medical, dental, and mental health services, including prevention, early diagnosis and treatment.
> 4. Social or, when necessary, emotional support for the family with particular attention to children with special problems, such as the child of the broken home or the isolated child.
>
> Day care which does less than the foregoing will not meet the developmental needs of the child and the social, emotional, and economic needs of the family.

All of these provisions can be accomplished under the proposed authorization.

The device of "prime sponsorship," with preference given to local government rather than to the States, as formulated in section 104, but still reserving to the Secretary the authority to fund specific programs directly, is a concept long supported by the academy.

These provisions, particularly when implemented in conjunction with the Child and Family Service Councils of section 105 should insure the development of programs responsive to local needs.

I would like to suggest a change in the provision of section 108.

I have been in charge of maternal and child health services in two municipalities where the regulation of day care was a function of the department of health. In one, New York City, the health department was the pioneer in the regulation, supervision, and upgrading of children's day care, and had the authority under its own health code.

In the other, Boston, the regulation was delegated to the city by the State department of health. In both, I attempted to perform all of the functions enumerated in 108(b) except that in Boston, development and assessment of the code was a State role.

Both cities had inadequate resources to do the job well. As a matter of fact, in Boston the austerity budget forced the city to relinquish the delegated authority and disband a developing capacity to upgrade services on a local level by local initiative.

Accordingly, I respectfully suggest that provision be made in section 108 for special grants to be made to those municipalities or other units of local government which are large enough and desirous of carrying out these activities. I imagine some State approval or acquiesence would have to be required.

Let me now turn to health services in the more conventional sense. I should like to make a distinction between the health program and health policies of a day care center and the provision of medical care to parents and children.

The difference is highlighted in the pamphlet "Recommendations for Day Care Centers for Infants and Children" which our Committee on Infant and Preschool Child of the academy has published. This is in the previous record of the committee.

Every good day care center will have a health program. It should be written down so that it can be generally known and shared with parents and professionals alike. It will deal with such things as what the center requires for preadmission, ongoing examinations and immunizations, how illnesses and accidents are handled within the center, and the like.

Every good day care center should also see to it that its children and their families receive the medical care they need.

However, the academy does not believe that this bill should be the basis for a whole new health care system. Maximum use should be made of existing personnel and facilities, and, I might add, of existing payment mechanisms, for the actual provision of medical services.

The regulations that are promulgated to implement the legislation should require the plans to specify how the health needs of their families will be met. But they should not be rigid in imposing any one system.

The ultimate grantees should be able to use a variety of methods; the sponsor's staffs should be facilitators, advocates, "following-upers."

There is a precedent here in the Head Start experience where there were many successful models for getting children into the health care delivery system without direct purchase of service out of the Head Start budget.

Encouragement should be given to three-way contracts between sponsors, providers, and State title XIX agencies for medical care, either on fee-for-service, or on capitation bases. Such a contract could be made by an individual private physician, a private practice group, a health center, a hospital, or even a medical school.

Important from the child and parents' point of view would be the availability, accessibility, and comprehensiveness of the services. Only when no suitable local arrangements can be made should the plan include medical care in its own budget.

The same does not apply to medical consultation. Funds should be made available to pay for consultants to program directors and staff, about general principles, about implementation of policies, even occasionally about individual problems or individual children.

Ultimately, these costs may be subsumed under the special grants to States section, for such consultation is properly the role of the central agency.

However, it is in the early years after enactment that the programs are going to need the consultation the most. This is likely to be the time when it is least available, for the States will need time to tool up. Programs should initially have the resources to seek consultation on their own. Besides, it is a funny thing about consultation: if you ask for it, you value it more and are more apt to follow the advice, than if it is imposed on you by some outside agency.

Mr. Chairman, I will not read the Statement on Day Care. It is in the record, and I do not think I need to go over it.

Thank you.

Mr. **Brademas**. Thank you very much, Dr. Mindlin, for a most useful statement.

I take it, when you use the phrase day care, you have in mind the broader definition of day care, which this legislation represents, as distinguished from a more narrow definition.

Dr. MINDLIN. We consider as day care, Mr. Chairman, anything, any place, any provision for the care of a child away from his own home, and this includes the range from family day care to day care centers, and so forth.

Mr. BRADEMAS. I have two quick questions:

What is your view of the role of schools in the implementation of this kind of program?

Dr. MINDLIN. I cannot speak for the academy on this, because we have not considered it as a policy. However, within my own committee, we have discussed this, and we agreed that the public schools are not the prime agency that should be given the responsibility for providing day care for young children.

They may—and I would suggest in certain areas, or certain communities—be the appropriate agency, but we do not think that this should be exclusively a function of the public school system.

Mr. BRADEMAS. Second, what is your view of the role of profit-making institutions in the operation of this kind of program?

Dr. MINDLIN. Again, we have kicked this around in the committee, and we have a consensus on this, and we do not think that profit is a dirty word.

We think that the important function is taking care of children. Children should not be exploited, so as long as there is appropriate regulation and surveillance, there is a place for private proprietary day care.

Mr. BRADEMAS. Thank you very much.

Mr. Cornell.

Mr. CORNELL. No questions.

Mr. BRADEMAS. Mr. Pressler.

Mr. PRESSLER. No questions.

Mr. BRADEMAS. Mr. Zeferetti.

Mr. ZEFERETTI. No questions.

Mr. BRADEMAS. Dr. Mindlin, again thank you very much on behalf of the subcommittee, and we are grateful to you for having come.

[Responses by Dr. Mindlin to questions submitted by Mr. Bell follows:]

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March 11, 1975

Honorable Alphonzo Bell
House of Representatives
Washington, D. C. 20515

Dear Mr. Bell:

Enclosed you will find responses to those questions you submitted at the recent hearings on the child and family services legislation. Since the Academy's expertise lies in the area of health care and child development services, I have only addressed questions(2) A through M with an added comment on part 3. It is this particular section which is most applicable to the concerns of the Academy as well as our current experience with Head Start programs.

For [illegible]ur information and in partial response to other areas of questioning, copies of Academy publications Standards for Day Care Centers for Infants and Children Under 3 Years of Age (Appendix A) and Recommendations for Day Care Centers for Infants and Children (Appendix B) are also enclosed.

Sincerely,

Rowland L. Mindlin, M.D.
Rowland L. Mindlin, M. D.
Chairman
Committee on Infant and Preschool Child

cb
Enclosures

2. A. Quality is a value judgement. One should consult with persons experienced in the fields of child care and child development to arrive at a concensus concerning the various attributes that go to make a high quality program. Ultimately one should examine the effects of programs of various types with differing components. However, this requires long term research.

B. Yes. Head Start is a good yardstick to measure quality. Here an existing program is functioning at a high level of quality.

C. All these services and people are necessary at the first year planning stage. No, they do not guarantee quality, but as grantees are established, numbers of people can be diminished when programs become compliant with "standard guidelines" that are developed. Intense training and technical assistance will not be as necessary in future years, if good groundwork is laid in the beginning.

D. Head Start should be a model, not the model. In the first year planning stage, developing committees should be flexible enough to expand upon experiences of Head Start. Other existing programs' assets should be explored and incorporated when appropriate. This bill concerns itself with 0-14 years and even pre-natal education and facilities. Head Start concerns itself with a much more limited age group, 3-5 years. Therefore, a separate legislation is needed, with Head Start assets appended to it.

E. Yes. To provide a full developmental picture for each child, all areas of medical and social expertise can and must play an important role.

F. Yes. This would depend upon the age group of children receiving care. This can only be beneficial to the child's on-going education!

G. Where existing facilities are adequate, they should be used. Size, numbers of children, age of children involved, safety factors, and recreational areas must be taken into account. Some areas may need new facilities but these should only be considered after the search for an adequate existing facility is exhausted. The guidelines for such facilities should be set up in the first year planning stage depending upon the age of the child served.

H. Both professionals and paraprofessionals play an important role and also supportive role. The needs for each grantee have to be determined on an individual basis of local need and availability. Professionals can work without paraprofessionals, but paraprofessionals cannot work without professional supervision.

I. The number and types of workers to child ratio will depend on the kind of program, the child population served, the age range of the child and on the inclusion of handicapped children. For children under three years of age, the Academy recommends one adult for each four children (see appendix A, Standards for Day Care Centers for Infants and Children under 3 Years of Age). For children over 3 years, the child-staff ratio will vary. (See appendix B, Recommendations for Day Care Centers for Infants and Children).

J. The basis of the presented bill is the importance of and strength of the family. They should be involved at all stages of planning, implementation and evaluation. The 50% local committee participation is excellent. Whether they are employed should not be questioned. If they seek this service, it should be available to their children. Nor should there be objection to employment of parents whose children are in the program as long as there is adequate professional supervision.

K. This need should again be met on individual program needs. It should be encouraged that the child participate in at least one meal with the family. For some, this may not be possible - but should be advocated. A mid-morning and mid-afternoon snack should be provided.

L. This would be an individual grantee decision upon need for the facility in a local community. It is possible that many programs would be operational on a 12-hour basis.

M. This would be determined by the ages of the children involved. It should be supplementary to the on-going school program where applicable. By involving teachers and community representatives at a local level on the advisory committee, this can be accomplished.

3. At the hearing in response to a question from Congressman Brademas, I said that in my opinion the public schools should not be excluded from these programs. Nor should the public schools have exclusive jurisdiction or control.The public schools should be permitted to participate, if they so desire, under the same regulations and guidelines as any other sponsor.

Mr. BRADEMAS. Finally, today, we are very pleased to hear from Mrs. Dorothy Lasday, a member of the national board of the National Council of Jewish Women, and vice chairwoman of the national affairs committee of the National Council of Jewish Women.

We are very pleased to have you with us.

STATEMENT OF DOROTHY LASDAY, MEMBER OF THE NATIONAL BOARD OF THE NATIONAL COUNCIL OF JEWISH WOMEN; VICE CHAIRWOMAN OF THE NATIONAL AFFAIRS COMMITTEE OF THE NATIONAL COUNCIL OF JEWISH WOMEN

Mrs. LASDAY. I am Dorothy Lasday, member of the national board and vice chairwoman of the national affairs committee of the National Council of Jewish Women.

I appreciate the opportunity to appear before you today in support of an issue of great concern to us. While my comments are the position of the council, they reflect some of my personal experiences in the communities where I live.

I am chairman of the Dutchess County child development committee, an advisory committee of the county legislature, and an officer of the New York State Association of Child Care Councils.

At the time I moved to New York State in 1971, I was serving on the steering committee for a Virginia 4–C's council, which has since come into existence.

The National Council of Jewish Women, with a membership of over 100,000 in 189 local sections throughout the United States, has had a concern for the welfare of all children and the strengthening of family life since its inception in 1893.

At our last biennial convention in Miami in March 1973, our delegates approved the following resolution:

HEALTH AND WELFARE

> The National Council of Jewish Women believes that a healthy community, sound family life, and individual welfare are interdependent * * * it therefore resolves * * *
>
> *　　*　　*　　*　　*　　*　　*
>
> 5. To work for the expansion, development and adequate financing of quality comprehensive child care programs.

As at our conventions in years past, a similar resolution is certain to be adopted at our biennial convention in San Francisco next month.

Such resolutions are not only the expression of our positions, but the basis of our local and national activities for community services, education, study for social action, and social action itself. Social action in this case includes successful efforts to upgrade State child day care standards in recent years—Michigan and Louisiana being two States that come to mind—and to provide more adequate funding for child day care, such as in Oregon, when the newly imposed social services ceiling made cuts in services necessary in 1972–73. Concerted action had the cuts distributed evenly through all services and not mostly from day care.

It must be obvious that the National Council of Jewish Woman supports the intent of the Child and Family Services Act.

As a result of our 1970 national survey on day care, directed by Mary Dublin Keyserling, and published as "Windows on Day Care," which I have here, we determined that legislation to provide badly needed comprehensive child care services for those families desiring them must include:

1. Well-defined standards not lower than those of the interagency requirements of 1968.

2. Parental involvement in development of programs.

3. Opportunities for socioeconomic mix among enrollees in day care facilities.

4. Funds for training of child care personnel.

5. Allocation of public funds (grants) to public and private nonprofit agencies only.

6. Full subsidization of quality care for children of low-income families and partial subsidization, on a sliding scale, for children whose families are above the poverty level, but not able to afford the full costs of care.

The proposed Child and Family Services Act of 1975 (S. 626 and H.R. 2966) appears to include all of these. Yet we suggest that the following need to be considered carefully as they relate to this bill:

1. Standards for child day care services:

With the enactment of title XX of the Social Security Act, effective October 1, 1975, for the first time Federal minimum standards for child day care have been enacted into law by the 93d Congress, as the basis for Federal reimbursement. Of necessity, section 201(a) of the proposed Child and Family Services Act must be changed to reflect this.

In January, when I reported on the newly legislated standards to our national affairs committee and then to our national subcommittee on child development, our pleasure at the enactment into law of child care standards was more than a little diminished because the enacted standards are lower than the 1968 Inter-Agency Day Care Requirements in two major areas:

(a) The educational component in child care programs is recommended, not mandated, for reimbursement from social services funds; and

(b) Staff ratios for school age children were raised from the current 1 to 10 requirement to a ratio of 1 to 15 for children age 9 and younger, and 1 to 20 for children ages 10 to 14.

There is ample evidence in the many studies funded by the Office of Child Development of the importance of educational programing, even for infants and toddlers. Certainly, there can be no educational services with such staff/child ratios for school-age children. The situation becomes a nightmare in terms of the 80 school-free days per year when the child is in the program a full day.

Our support of the 1968 Interagency Requirements was reexamined last fall. At the request of NCJW's executive committee, our position on day care standards was carefully reviewed at the annual joint meeting of the national committees on community activities and on national affairs, November 7, 1974. We found that the following recommendations from "Windows on Day Care," chapter IX, page 229, is as valid today as when written:

> Improving Standards and Their Enforcement:
>
> We recommend that any legislation to expand funding for child care services provide for the development of Federal child care standards which local programs

would have to meet to be eligible for funding, no less comprehensive than the 1968 Federal Interagency Requirements approved by the Department of Health, Education, and Welfare; the Office of Economic Opportunity and the Department of Labor.

The joint committee meeting reaffirmed the support of the National Council of Jewish Women for the 1968 Interagency Day Care Requirements for Federal financial support for day care for children.

We want to make clear that such standards should apply not only to Head Start and ESEA day care projects and, of course, those funded under social services—currently title IV–A, later title XX of the Social Security Act—but also to child care services provided through increases in the cash grants to ADC working mothers.

Presently, there is no accountability for expenditure of these funds, whether in licensed care in day care centers or family day care homes, or in unlicensed, inadequate, or unsafe care, or even if it is spent at all for child care.

Hopefully, the Child and Family Services Coordinating Council, section 201(a), could provide a mechanism for attacking the problem.

2. Parental involvement in development of programs:

National Council of Jewish Women has consistently supported parental involvement in development of programs for their children. Again quoting "Windows on Day Care," page 7:

> We also recommend the establishment of representative, local child and family service policy councils, with a high degree of parental participation. It is recommended that Federal funds be allocated to help support these functions. This mechanism would provide a useful means for utilizing those local 4-C—Community Coordinated Child Care—committees which meet accepted criteria.

But one of our experienced members on the child development subcommittee wrote a word of caution, with specific reference to the bill now under consideration:

> Fifty-one percent parent membership on the Board represents some problems and should perhaps be modified. While the intent is good, it often leads to a large number of Board members who do not have time to really do leg work, or do not have the experience.

Can a mechanism be developed which gives parents the voice they must have in programs for their children and yet, at the same time, provide for the community support these programs need to function effectively?

Unless a center is 100 percent federally funded for its full budget, in this time of inflation, no day care center can exist without community support and cooperation.

In 1970, a committee, chaired by Dr. Urie Bronfenbrenner, distinguished professor of psychology and child development at Cornell University, developed a "Statement of Principles—Day Care U.S.A." published by the Office of Child Development:

> The day care center should become the focus of social and service programs involving families, neighbors, local businesses, civic organizations, and any other agencies in the community. This enables the entire community to become aware of and actively concerned with the children in its midst. The day care program has the responsibility of serving as a bridge to the larger community in which the child lives.

We share these concepts.

I have come to recognize how important they are through my involvement with the Dutchess County Child Development Committee and its coordination efforts for the activities of 12 licensed county centers, five of them Head Start.

Most children in full-time day care centers are from families where the adults are employed full time. Working parents also have responsibility for care of their homes and families, which fully occupies evenings and weekends. Very few have the additional time or energy to carry the continuing load of the child day care center board responsibility—planning and executing that extra fundraising event needed because costs have spiraled, or the "big wheels," or the dishwasher must be replaced—or attending meetings to prepare the presentation for United Fund budget allocation review—or to develop staff job descriptions—or to paint tables.

Moreover, in many areas of our country, there are no State or local tax funds to provide the local share, 20 percent after 1979. For example, I understand that United Funds provide the local share for those centers receiving Federal funds in Ohio.

This limited time availability applies across the socioeconomic spectrum alike to the working middle-income and the working ADC parent. Parents want to become involved. They rightfully demand to be part of the decisionmaking process affecting their children.

But if the board has 10 members, 5 or 6 of whom are working parents, in a very short time a strong day care center director will be running the program with little or no input from parents or the board—if not by intent, then by default, and, before too long, becomes totally exhausted.

I think we have to have a way of distinguishing policymaking versus ongoing responsibility so the centers can have the support they need to have for this.

Although the legislation specifically indicates that fees from parents are to be used to expand the program—not for part of the operating budget as is now the case—in this time of both recession and inflation, this may be unrealistic.

3. Opportunities for socioeconomic mix among enrollees in day care:

Our community services are always of higher quality, with greater citizen support, when they serve all segments of the population. There is resentment when services are offered only to the very poor and others need them as well.

Moreover, all children benefit from the exposure to different cultures and lifestyles.

4. Funds for training of child care personnel:

Under such funding available in years past, the training has provided a way up the ladder for women—men, too—who wanted to work, and also better care for children.

The lack of availability of training money has meant that we have had to be most creative in providing inservice training opportunities in the past 2 years, except for Head Start.

The child care staff, center and home have been shortchanged—there are no funds to reimburse costs, such as transportation, meals, sitter, registration fees, supplies, or to pay for a substitute to release the day care worker to attend training during normal work hours.

5. Allocation of public funds (grants to public and private nonprofit agencies only:

a. National Council of Jewish Women opposes grants of public funds for capital costs, equipment, et cetera, for profitmaking, proprietary child care centers. We do not oppose proprietary child care. In many communities purchases of services in licensed proprietary centers is an important, quality service. But in some communities, even with support of United Fund, and the Social Services District, we have seen proprietary centers without health, nutrition, or educational services, undercut quality, nonprofit, developmental centers which have had to close or cut back in the past year. (The proprietary centers were not eligible to participate in the USDA special food services programs, so the children brought paper bag lunches, thereby reducing costs of food, and its preparation but also eliminating an important opportunity to provide nutrition education.)

b. NCJW does not consider the family day care mother-provider as a proprietary child care operator, but a provider of services for which she is paid—part of the private, voluntary sector like the nonprofit child care center.

It is important that a loan closet of toys, books, games, developmental materials be available for rotation among the family day care homes in a community, similar to a service provided in the Cincinnati, Ohio section. Extra equipment such as cots, cribs, playpens, and fire extinguishers may also be needed.

The importance of this definition of "mother-provider" can be seen from the experience of Council's Los Angeles Section, which undertook to develop a cluster of family day care homes called Home-Safe. Council provided a director, training for the family day care providers and parents, volunteers to provide enrichment experiences to the children and to work with a parent group, and young men to provide male contact in homes where the father was absent.

When California transferred its day care program to the State Department of Education in 1972, a move welcomed by all, that Department was not familiar with the concept of purchasing day care services with DSS funds and thus classified the family day care home as proprietary making them ineligible for grants for needed safety devices or support services. The project closed. It is important this legislation include such definitions.

6. Full subsidization of quality care for children of low-income families and partial subsidization, on a sliding scale, for children whose families are above the poverty level but not able to afford the full cost of care.

It is time that we as a nation recognize that child care is not primarily a service for dysfunctional families. We must accept the fact that a new lifestyle requires services to meet its needs. And it is a new lifestyle, clearly defined from Congressional Joint Economic Committee figures and from those used by Senator Mondale when he introduced S. 626:

Forty-three percent of all mothers worked outside the home in 1971.

One of every three mothers of preschool children is working.

Thirteen percent of all children live in families headed by women, 65 percent of whom work.

Twenty-seven million children under age 18 have working mothers, most of whom have to work because two incomes are needed, since the father's income is under $7,000 a year, or they head families.

The sliding fee scale is needed for several reasons:

a. The family coming up the income ladder must still be eligible for day care. A major problem for day care advocates has been to persuade local commissioners of social services and the county legislators who appropriate the funds that implementation of the sliding fee scale is essential, when the State plan includes it.

My county has one of the lowest unemployment rates in the country, even today. Until recent weeks there have been semiskilled jobs available at the many State institutions and at IBM, with manpower programs to train the unemployed. Within 18 months of being established in her job, the ADC mother often finds herself earning more than the ceiling for free day care.

In New York State the problem is even further complicated because we exhaust the social services ceiling allocated.

b. Moderate income—middle income—families cannot afford to purchase the full cost of developmental day care for their children. In private, nonprofit centers serving few ADC families, the rates have had to be kept too low, despite rising costs, so families could still have care.

Actually, the individuals paying a share of the true cost unfortunately are the day care center staff members—certified teachers and paraprofessionals alike—who work at minimal salaries, are not paid for overtime, and have little or no fringe benefits and no pension plans.

The major exceptions are Head Start, State Department of Education ESEA and Pre-K projects, and unionized workers in New York City. It also applies to family day care providers who have had no increase in rates and absorbed the 20-percent increase in food costs over the past 2 years.

In my county it costs $5 a day to provide day care for a child under the age of three, and $4 a day for a child over three.

If the child is in the home for less than 6 hours, it pays—even if the child is there 5 or 5½ hours.

We have to look at what we are doing to people with these kinds of wages, and recognize we do not get very far with the child.

c. I would like to discuss standards in title XX as it relates to this legislation.

I think the bill is going to have to have some working over, because title XX has made major changes. We now have mandated into law for the first time some standards for child care.

There is going to have to be some reworking. We hope that the committee will examine the fact that the standards mandated into law are not the full 1968 requirements.

We are especially concerned about dropping the educational component from being a mandated service to a recommended service.

No mention has been made of the need for quality developmental day care services for infants and toddlers, and setting staff-child ratios.

Council's Subcommittee on Child Development has begun an investigation into some of the creative and successful programs that have been undertaken across the country. A Chicago section member works in such a program in Evanston. Programs are being investigated in New York City, Syracuse, North Carolina, Ohio, Alabama. We are counseling with professionals in the field. But the recommendations will be our own and will be directed to our own members working with infant care in their own communities. Our intent is to come up with working guidelines that will be helpful to our more than 100 sections directly involved with child care services in their own communities.

It is true that a teacher can handle a classroom of 6- to 9-year-olds, and I think for that 1 to 15 would be great or that for 14-year-olds

1 to 20 would be great; but we are not talking about children in a normal classroom situation.

Those of us who have worked either as trained volunteers, or as professionals in agencies such as Boy Scouts or Girl Scouts or community centers know that we cannot even reach minimal safety requirements with these kinds of ratios.

I would like to mention briefly an experimental child-care center in my own county, unique in New York State. The Poughkeepsie Family Development and Day Care Center (PFD and DCC), which began as a Model City—funded demonstration program, was designed to take care of a family's children of all ages in one center—ages 3 months to 14 years, with some 85 children now enrolled. One agency is working with the entire family and can make needed referrals for services, with followup. Children are grouped according to their stage of development. Most fascinating to watch are the interactions—for example, the school-age children when they come in. Even the morning kindergartners, eager for lunch, will first check into their younger siblings' rooms to make sure that everything is "A-OK." It also provides an opportunity to teach the "seniors," the 11–14 year olds, the art of parenting. Since the PFD and DCC is now 3 years old, it has had a few of its graduates return as summer youth corps workers through CETA.

The parents using this center have a high rate of job retention and of completion of job training—all at their own initiative. Young mothers tell us that they are better mothers for their children because they are improving their family's living conditions and no longer feel hopeless. The infants and toddlers expect T.L.C. from any adult that comes into their room, instead of being shy and withdrawn with strangers. They are open, trusting, loving, communicating, and developing fully in ways far beyond the expectations those who designed the center could possibly have hoped for. But the problems of insufficient funding have almost overwhelmed it, time and time again. It survives because it is needed. It truly provides Child and Family Services.

I have commented on aspects of the Child and Family Services bill primarily with respect to child day care services. But NCJW's section project file in our national office indicates that our women have initiated or are participating in a wide range of services for children and their families, demonstrating the need for the extensive listing of service programs under section 102. Some that come to mind include: screening for visual, speech or hearing problems; immunization services and well-baby clinics; drop-in counseling centers for teenagers; family outreach center aimed specifically at prevention of neglect and abuse of children; day-care services for children with severe physical handicaps, to prepare them to participate in programs with normal children; genetics screening and counseling; bilingual counseling services; library services; information and referral services; summer recreation programs; food and nutrition services; tutorial programs; cultural enrichment activities; story bus; consumer education, etc. The Child and Family Services Act might make it possible for a successful service in one community to be replicated elsewhere where it is needed.

A final comment: Of particular importance to us is the language of the legislation that includes "establishing, maintaining, and operating programs." In recent years, the Office of Child Development has funded a variety of successful demonstration projects, all in the name of research, rather than as a continuing service to those using it. In this time of recession and high unemployment, child and family services may be particularly crucial. It would be exceedingly cruel to initiate services and then close them once the need and success have been demonstrated.

We are most appreciative of the opportunity to testify before you today.

Mr. BRADEMAS. Mrs. Lasday, I am sorry to interrupt. The House is in session, and we could get a quorum call.

Would you allow us to have inserted in the record your full statement, and then we will have a few minutes for questions?

Mrs. LASDAY. Of course.

Mr. BRADEMAS. I would, at the outset, like to express the regrets of Senator Javits, a cosponsor of this bill, who was not able to be here for your testimony because of another commitment.

Undoubtedly, he would also be grateful if you would let us have the "Windows on Day Care" document, in order that we could include all the excerpts from it in our hearing transcript.

Mrs. LASDAY. I would be glad to leave it.

[The document referred to may be found in the files of the subcommittee.]

Mr. BRADEMAS. We are aware of the fine contribution of the National Council of Jewish Women who have recognized the need for action in this field.

I just have one question to ask you, Mrs. Lasday. You make the point that you are opposed to the provision of funds to proprietary institutions, to proprietary organizations.

As I read your statement, the principal reason you take this position is that you are frequently not satisfied that those institutions meet proper standards.

Mrs. LASDAY. That is not our reason for opposing grants.

Mr. BRADEMAS. That is not your reason?

Mrs. LASDAY. No.

Mr. BRADEMAS. What is?

Mrs. LASDAY. Because there are some communities where proprietary centers do provide good programs. I would hate to have that impression left.

Mr. BRADEMAS. I am just reading from your statement.

Mrs. LASDAY. Yes, and in my statement I went into that in detail.

We believe very strongly that public moneys should go only to public and nonprofit agencies or institutions. This applies across the board to schools as well.

We believe that there should be purchases of services from proprietary care centers that are licensed centers.

There are proprietary centers that provide a very poor level of service, but there are also some nonprofit centers that provide a very poor level of service. I do not want to categorize them as such.

Mr. BRADEMAS. Thank you.

Mr. Cornell.

Mr. CORNELL. Mrs. Lasday, as I understood it, you mentioned that having provisions requiring that 50 percent of the council members be parents is insufficient.

Mrs. LASDAY. I think that there needs to be a different kind of mechanism developed, and I do not know that I have come up with what it should be. My own personal experience in trying to coordinate 12 nonprofit day care centers in our county is that the working parent cannot give the time that is needed to the program.

I have a quotation in my statement from Urie Bronfenbrenner from Cornell University in which he states that the whole community should be involved in providing services to children. I think that we have to have that along with parents making the policy for their own children.

In other words, I am separating the policymaking from the doing or the implementing.

Mr. CORNELL. I see. One of my observations you will probably know, if you were here this morning, is that I am really concerned about the lack of emphasis on the family in our society, and while we can talk about the new lifestyle, I do not know whether there is wisdom in legislation that goes along and supports the new lifestyle and does not attempt to do much about the restoration of the importance of the family.

Mrs. LASDAY. I do not think, in this new lifestyle, it necessarily means that the family is weakened.

I say this because I see some of these young women giving tremendous input to their children, tremendous pride in self, because they themselves are working and making a contribution to their children's lives. I have not forgotten—and I will never be able to forget—the young woman who stood up in front of our county legislature, and said, "I am the mother of four children. I am divorced, and I have a job."

What she was trying to build was a real family for her children.

I think that we ought to do everything that we can to strengthen family life, but having people unable to adequately feed their children, concerned about having a warm enough coat to go out in the cold, inadequate diet, is not supporting family life.

I think we have to look at what does make up family life.

A discouraged, hopeless mother is not building a family. I think this is what I am trying to say.

Mr. CORNELL. Thank you.

Mr. BRADEMAS. Mr. Pressler.

Mr. PRESSLER. No questions.

Mr. BRADEMAS. Mr. Zeferetti.

Mr. ZEFERETTI. I have no questions, but I would like to thank Mrs. Lasday for being here this morning.

Mr. BRADEMAS. Thank you again, Mrs. Lasday. We are very grateful to you for your helpful statement.

The Chair will announce we shall again have joint hearings tomorrow morning at 9:45 in room 2175 of the Rayburn House Office Building. That is the committee room of the Committee on Education and Labor.

We are adjourned.

[Whereupon, at 12:10 p.m., the subcommittees recessed, to reconvene at 9:45 a.m., Friday, February 21, 1975.]

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